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# JOURNAL

OF THE

# A S S E M B L Y

OF THE

## STATE OF NEW YORK:

AT THEIR

## NINETY-EIGHTH SESSION.

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, ON THE FIFTH  
DAY OF JANUARY, 1875.

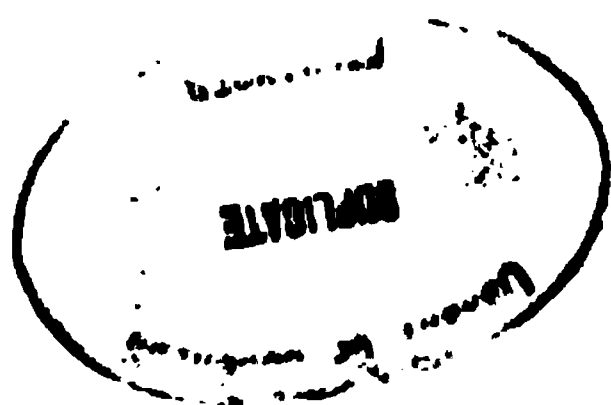
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### VOLUME II.

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ALBANY:  
WEED, PARSONS & CO., PRINTERS.  
1875.

*Dut  
to E.*



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Cleary introduced a bill entitled "An act to amend the charter of the city of Troy, passed May 3, 1870, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cleary, said bill was ordered printed and to a third reading.

By unanimous consent, Mr. Alvord offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That 2,500 copies of the annual reports of the Transactions of the American Institute, for the years 1872, 1873 and 1874, be printed and bound in the usual form for the use of the institute.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Alvord offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That 2,500 copies of the annual reports of the New York State Agricultural Society's transactions for the years 1872, 1873 and 1874, be printed and bound in the usual form for the use of the society.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Page offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 82, entitled "An act to reappropriate moneys for construction of new work upon and extraordinary repairs of the canals of this State, and for payment of awards made by the Canal Appraisers," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Braman offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That there be printed on fine paper, for the use of the Canal Commissioners, 3,000 copies of their report for the year ending September 30, 1874, 1,000 to be bound in cloth and the remainder in paper; also, that 2,000 copies be printed for the use of the Legislature; also that 200 copies of Prof. F. N. Benedict's report upon the head waters of the Hudson and Raquette, included in the above report, be printed separately and bound in cloth, one-half for Prof. Benedict and the remainder for the use of the Canal Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Vosburgh introduced a bill entitled "An act in relation to the alms-house and insane asylum in the city of Albany, and the sale and purchase of real property in connection therewith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Badger introduced a bill entitled "An act to legalize the action of the electors of the town of Fort Covington, in the county of Franklin," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Badger, and by unanimous consent, said bill was ordered to a third reading.

Mr. Kennaday introduced a bill entitled "An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Talmage introduced a bill entitled "An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street, in the city of Brooklyn,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. G. Taylor introduced a bill entitled "An act relating to justices of the peace in cities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to fix the rates of fare to be charged upon the New York Central and Hudson River railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Hauschel introduced a bill entitled "An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 582 of the Laws of 1872, entitled 'An act to incorporate the Union Stock Yard and Market Company,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Daly introduced a bill entitled "An act to carry into effect the command of section 7, article 10 of the Constitution by providing for the removal of certain officers therein mentioned, and for filling the vacancies created by such removal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sherman introduced a bill entitled "An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on general laws.

Mr. Lewis introduced a bill entitled "An act to amend chapter 1, title 2, part 4 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Alvord introduced a bill entitled "An act to release to Susan Grant the right, title and interest of the people of the State of New

York in and to certain real estate in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Friend introduced a bill entitled "An act to repeal an act entitled 'An act to amend chapter 379 of the Laws of 1848, entitled An act to simplify and abridge the practice, pleadings and proceedings in the courts of this State, passed April 12, 1848,' passed May 2, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Oakley introduced a bill entitled "An act to amend the charter of the Hamilton Savings Bank of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Stephens introduced a bill entitled "An act to incorporate the Electro Medical College of the State of New York in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to authorize the James McAndrew to take, hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Also, a bill entitled "An act to incorporate the fire department of the North Shore of Staten Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on general laws.

Mr. Benedict introduced a bill entitled "An act to authorize the city of Schenectady to purchase additional fire engines, and to borrow money therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Benedict, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Pierson introduced a bill entitled "An act relating to the consolidation of certain railroad companies," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pierson, and by unanimous consent, said bill was committed to the committee of the whole.

Mr. Davis introduced a bill entitled "An act to amend chapter 283 of the Laws of 1872, entitled 'An act to authorize plank-road and turnpike companies formed under and by virtue of part 1, chapter 18, title 1, article 5 of the Revised Statutes to extend their charter or corporate existence,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Hinckley introduced a bill entitled "An act to amend chapter 631 of the Laws of 1871, entitled 'An act to amend an act entitled An act to amend the charter of the village of Westfield,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

Also, presented a petition on the same subject; which was read and referred to the same committee.

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. Sherman, Int. No. 959, entitled "An act making an appropriation for the purpose of restocking the public

streams of this State with speckled trout and other fish," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. J. W. Miller, Int. No. 988, entitled "An act for the relief of Wheeler H. Bristol, late State Treasurer," reported in favor of the passage of the same, with the title amended so as to read, "An act for the relief of Wheeler H. Bristol," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. Pierson, Int. No. 962, entitled "An act fixing the pay and compensation of Rollin B. Vose, superintendent of the express and mailing department of the Assembly for the Assembly of 1875," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act authorizing the payment of certain employees of the Assembly for services," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hammond, from the committee on ways and means, to which was referred the Senate bill, Int. No. 265, entitled "An act in relation to the Hudson River State Hospital for the Insane, at Poughkeepsie, the State Homœopathic Asylum for the Insane, at Middletown, the Buffalo State Asylum for the Insane, and the State Reformatory at Elmira," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the Hudson River State Hospital for the Insane, at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, and the Buffalo State Asylum for the Insane," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Hammond, from the committee on ways and means, to which was referred the Senate bill introduced by Mr. Lord, Int. No. 292, entitled "An act in relation to the county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Barrow moved to take from the table the adverse report of the committee on general laws on the bill entitled "An act to incorporate the New York Bureau of Titles."

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

The question being on agreeing with the report of said committee,

Mr. Barrow moved to disagree with the same, and that said bill be committed to the committee of the whole.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Daly, from the committee on affairs of cities, to which was

referred the bill introduced by Mr. Talmage, Int. No. 809, entitled "An act to amend an act entitled 'An act in relation to assessing the cost of sewers in the city of Brooklyn,' passed June 13, 1873," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Speaker, Int. No. 984, entitled "An act to amend and consolidate the several acts relating to the city of Elmira," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Bennett, Int. No. 986, entitled "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of said city,' passed April 26, 1871," reported in favor of the passage of the same, with the title amended so as to read, "An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city, passed April 26, 1871," which report was agreed to.

On motion of Mr. Bennett, and by unanimous consent, said bill was ordered to a third reading.

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Connelly, Int. No. 122, entitled "An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Ray, Int. No. 138, entitled "An act authorizing the common council of the city of Poughkeepsie to sell and convey certain real estate owned by said city," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Ray, Int. No. 138, entitled "An act to amend the act entitled 'An act to provide for supplying the city of Hudson with pure and wholesome water,' passed May 7, 1873," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Braman offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 109, entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' and the acts amending the same," for correction.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.



*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Johnson, Int. No. 293, entitled "An act in relation to railroad corporations," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Ely, from the committee on roads and bridges, to which was referred the bill introduced by Mr. Brown, Int. No. 997, entitled "An act to repeal chapter 640 of the Laws of 1870, entitled 'An act authorizing the construction of a highway from Chateaugay Lake to Saranac and branches,'" reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Ely, and by unanimous consent, said bill was ordered to a third reading.

Mr. Ely, from the committee on roads and bridges, to which was referred the bill introduced by Mr. Schenck, Int. No. 942, entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Decker, Int. No. 998, entitled "An act to further amend the charter of the village of Delhi," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Stephens, Int. No. 1001, entitled "An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Lincoln, Int. No. 993, entitled "An act to amend chapter      of the Laws of 1875, entitled 'An act to vest certain powers in the freeholders and inhabitants in the village of Canandaigua, and the acts amendatory thereof,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Braman, Int. No. 964, entitled "An act to establish a board of fire commissioners of the village of West Troy, in the county of Albany," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 114, entitled "An act to incorporate the Rescue Hook and Ladder Company of Tonawanda, Erie county, New York," reported in favor of the passage of

the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. McGowan, Int. No. 151, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,' passed March 8, 1865," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Beardsley, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Kellogg, printed No. 207, entitled "An act conferring additional powers upon boards of excise in the several towns of this State, and repealing chapter 820 of the Laws of 1873, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' " reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Beardsley, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wellington, Int. No. 535, entitled "An act to amend section 20 of chapter 1121 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the protection of moose, wild deer, birds and fish,'" reported in favor of the passage of the same, with the title amended so as to read "An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. T. J. Campbell, Int. No. 678, entitled "An act to further amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies, and the several acts amendatory thereof,'" reported in favor of the passage of the same which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by the finance committee, printed No. 173, entitled "An act relative to the care and education of deaf-mutes," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Kirk, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered to a third reading.

Mr. Friend, from the committee on public printing, to which was referred the joint resolution relative to printing extra copies of the twenty-first annual report of the Superintendent of Public Instruction, reported in favor of the passage of the same in the words following:

*Resolved* (if the Senate concur), That 2,500 copies of the twenty-first annual report of the Superintendent of Public Instruction be printed in the usual form, of which 1,000 copies shall be for the use of the Legislature; one copy for each school district and school commissioner in the State, and 500 copies to be bound in cloth for the use of the Department of Public Instruction.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Friend, from the committee on public printing, to which was referred the joint resolution relative to printing extra copies of the revised report on the noxious, beneficial and other insects of the State, by Dr. Asa Fitch, late State entomologist, reported in favor of the passage of the same in the words following:

*Resolved* (if the Senate concur), That the Regents of the University cause to be printed 2,000 copies of the revised report on the noxious, beneficial and other insects of the State, by Dr. Asa Fitch, late State entomologist, with the requisite illustrations and figures; 300 of such copies to be retained by the Regents for exchange, 100 copies to be delivered to the State Agricultural Society, one copy to each agricultural society in the State, five copies to each member of the Legislature, and the remainder to be kept on sale by the Secretary of State at or nearly as may be the cost of publication; that such publication be under the editorship of said Asa Fitch, provided his remuneration therefor shall not exceed the sum of \$300; and that the bills for the editing, printing, engraving and binding of said report be paid by the Comptroller upon the certificate of the chancellor of the university, the whole expense of the same not to exceed \$5,000.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Sherman, from the committee on State prisons, to which was referred the bill introduced by Mr. Gallagher, Int. No. 787, entitled "An act to authorize the confinement of convicts in the county penitentiaries of this State," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Ransom, Int. No. 865, entitled "An act confirming the title of the trustees of school district No. 3 of the town of Amherst, in the county of Erie, to the lands and property of the Williamsville academy, in said county," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. W. Miller, Int. No. 833, entitled "An act relating to free instruction in drawing," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. Taylor, from the committee on public education, to which was referred the Senate bill introduced by Mr. King, Int. No. 184, entitled "An act to enlarge the board of education in the union free school district No. 6, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said district, and to erect thereupon a new school-house, and to provide for the raising of money therefor," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to authorize the city of Elmira to pay claims for damages to certain lands caused by the erection of an elevated bridge upon Washington avenue, in said city."

"An act for laying out and constructing a canal in continuation of Bushwick creek, in the city of Brooklyn, and for the construction of docks."

"An act to amend chapter 321 of the Laws of 1873, entitled 'An act to amend an act entitled An act to incorporate the Eighth Ward Savings Bank of the city of New York, passed March 22, 1871, and to change its name to Fifth Avenue Savings Bank,' passed April 29, 1873."

"An act relative to the International Trust Company of New York."

"An act to incorporate the Protectorate and Reformatory for Destitute Children from Oneida and adjacent counties."

"An act to regulate the fare upon the Fonda and Fultonville Horse-Railroad."

"An act to increase the efficiency of the court of general sessions of the peace in the city and county of New York."

"An act to amend section 1 of chapter 702 of the Laws of 1872, entitled 'An act to improve and regulate the use of the Fourth avenue, in the city of New York.'"

"An act to confirm the title of the Associate Congregation of Bovina to its real and personal estate."

"An act to provide means for the establishment and equipment of the building erected on that portion of the Central park formerly known as Manhattan square, in the city of New York, under the provisions of chapter 290, Laws of 1871, for the purposes of a museum of natural history."

"An act to provide for a uniform system of paving and repaving of the streets, avenues and public places of the city of New York."

"An act to make further provision for the payment of further expenses of the local government of the city of New York."

"An act in relation to the Croton aqueduct of the city of New York."

"An act in relation to the care, custody and management of the water-works of the city of Rochester, and to regulate the collection of water rents in said city."

"An act to confirm, reduce and levy a certain assessment for improving Morton street in the city of Albany."

"An act to repeal section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina.'"

"An act to authorize the common council of the city of Buffalo to order to be assessed and to cause to be raised by local assessment, the amount of the expenses incurred in rebuilding the westerly end of the sewer in Breckenridge street, in said city, upon and from the lands benefited thereby."

"An act authorizing the city of Schenectady to raise money for school purposes."

"An act to confirm the proceedings of supervisors and justices of the peace of the several towns in the county of Kings, relating to town sealers."

"An act further to amend chapter 229 of the Laws of 1870, entitled 'An act to organize and establish a police for the city of Schenectady.'"

"An act to authorize the board of trustees of the village of Athens, in the county of Greene, to permit gas-pipes to be laid in the streets of said village."

"An act to further amend chapter 321 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to amend chapter 21 of the Laws of 1855, entitled 'An act in relation to non-resident highway taxes upon certain lands in Essex county.'"

"An act to protect the owners of bottles boxes, baskets, casks and syphons used in the sale of soda waters, porter, ale, oider, ginger ale, small beer, lager beer, white beer, or other similar beverages."

"An act to change the commissioners for the construction of a bridge across the Hudson river at or near the mouth of North creek, in Warren county."

"An act to open and extend Morrell street, in the city of Brooklyn, from Flushing avenue to Broadway, and to open and extend Lewis avenue in said city from Floyd street to Broadway."

"An act to amend chapter 529 of the Laws of 1874, entitled 'An act to provide increased facilities of the fire department of the town of New Lots.'"

"An act to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevation."

"An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Newtown, Queens county.'"

The Senate returned the resolution requesting the recall from the Governor for amendment of Assembly bill No. 82, entitled "An act to reappropriate money for construction of new work upon and extraordinary repairs of the canals of this State, and for payment of awards made by the Canal Appraisers," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Christopher, from the committee on civil divisions, to which was referred the bill introduced by Mr. Decker, Int. No. 881, entitled "An act to alter the boundary line between the towns of Davenport and Meredith, in the county of Delaware," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Shiel, Int. No. 642, entitled "An act relating to the loaning of money upon personal property, and to punish evasions of the usury laws," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Fish, Int. No. 918, entitled "An act regulating the charges of telegraph companies in this State," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the committee on the judiciary be discharged from



the further consideration of the bill introduced by Mr. Kirk, Int. No. 923, entitled "An act in relation to the collection of uncollected taxes in the village of Brockport, for the year 1872," and that the same be referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Husted, Int. No. 954, entitled "An act to release to George Wheeler the real estate of which Elizabeth Wheeler died seized," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Robertson, Int. No. 131, entitled "An act to amend an act entitled 'An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto,' passed April 6, 1872," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Waehner, and by unanimous consent, said bill was substituted for the Assembly bill of the same title, now in sub-committee of the whole.

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Kellogg, Int. No. 15, entitled "An act to amend the Code of Procedure," reported adversely thereto, which report was agreed to.

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Husted, Int. No. 914, entitled "An act to amend the charter of the American Popular Life Insurance Company of New York," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Oakley, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Struble, Int. No. 936, entitled "An act to authorize insurers to form companies in the towns in which they reside," reported adversely thereto, which report was agreed to.

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Stauf, Int. No. 92, entitled "An act for the protection of policy-holders in fire insurance companies doing business under the Laws of this State," reported adversely thereto, which report was agreed to.

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Cole, Int. No. 707, entitled "An act providing for the more secure storage of oil in tanks," reported the same for the consideration of the House, which report was agreed to.

By unanimous consent, on motion of Mr. Cole, said bill was ordered printed and to a third reading.

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Lawson, Int. No. 949, entitled "An act to amend chapter 593 of the Laws of 1873, entitled 'An act to amend an act to establish an insurance department,' passed April 15, 1859," reported adversely thereto, which report was agreed to.

Mr. Oakley, from the committee on insurance, to which was referred

the bill introduced by Mr. Slingerland, Int. No. 920, entitled "An act to incorporate the Bethlehem Mutual Insurance Association," reported the same for the consideration of the House, which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Beardsley, Int. No. 765, entitled "An act to revise and consolidate the several acts relative to the public schools in the city of Auburn," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the majority of the committee on canals, submitted the following report:

*To the Assembly:*

The undersigned, a majority of your committee on canals, to which was referred the proceedings of the Canal Board with reference to canal tolls, as embodied in Assembly document No. 103, beg leave to submit the following majority report:

That they have duly considered the recommendations of the Canal Board to establish the rates of toll for the opening season, and have agreed to recommend that the Legislature do consent that the Canal Board may, in its discretion, take off all tolls on all property except foreign salt going from tide-water; and that it shall fix the toll to be imposed on lumber, when cleared by measurement, at four mills per 1,000 feet, as is recommended by the said board; and we further recommend that the Legislature do disagree with the remaining recommendations of the said Canal Board.

All of which is respectfully submitted.

ALBANY, April 22, 1875.

THOMAS G. ALVORD,  
E. E. DAVIS,  
W. MILLER,  
WM. HOGAN,  
H. B. RANSOM,  
L. C. G. KSHINKA,  
*Majority of Committee.*

Mr. Page, from the minority of the committee on canals, submitted the following report:

*To the Assembly:*

The undersigned, a minority of your committee on canals, to which was referred the proceedings of the canal tolls, as embodied in Assembly document No. 103, beg leave to submit the following minority report:

That they have duly considered the recommendations of the Canal Board to establish the rates of toll for the opening season, and have given to the arguments in such recommendations urged in favor of lowering the tolls beyond the toll-sheet of 1874 their utmost weight and bearing; that they are aware of the strenuous and systematic efforts of the great trunk lines of railroad to secure a monopoly of the carrying trade between the west and the east, and are also aware of the many complaints on the part of the growers and shippers of grain from the west, on account of the cost of its transportation to the markets of the east; but they are also aware of the fact that no reduction of our toll-sheet would inure to the benefit of the grain grower or the grain consumer, but would be added at once to the value of the grains in the



hands of the middle-men at the western ports; and that in consequence thereof such reduction would not in any degree affect the question of the monopoly of the transportation by the railroads.

In view of the constitutional charges upon the revenues derived from the canals, and the necessity of constant outlays for the reparation of the canals, and which is liable to equal if not to exceed the funds available for that purpose, and in view also of the constitutional inhibition against expending, for collections, superintendence, ordinary and extraordinary repairs on the canals, an amount exceeding their receipts for the previous year, the undersigned are constrained to recommend that the Legislature do disagree with the recommendations of the Canal Board, and that the toll-sheet shall remain as fixed for the year 1874.

All of which is respectfully submitted.

ALBANY, April 22, 1875.

A. S. PAGE,  
R. D. COLE,  
H. LILLYBRIDGE,  
*Minority of Committee.*

On motion of Mr. Page, and by unanimous consent, said reports were referred to the committee of the whole, and made a special order for Tuesday morning next, immediately after reading the journal.

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Kennaday, Int. No. 255, entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same and improvement of such extension in Queens county, and to provide for the payment therefor,' passed June 16, 1874," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Kennaday, Int. No. 992, entitled "An act supplemental to an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary purposes,' passed April 12, 1848, and the several acts amendatory thereof," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act supplemental to chapter 819 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Smith, Int. No. 781, entitled "An act to regulate the use of musical instruments in streets and public places, and to preserve the peace and quiet of cities and towns," reported adversely thereto, which report was agreed to.

Mr. Kennaday, from the committee on general laws, to which was referred the petition of the supervisors of Essex county, praying for an amendment of section 1, chapter 795 of Laws of 1872, relative to special road district, reported a bill entitled "An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex,'" which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, on motion of Mr. Alvord, said bill was ordered printed and to a third reading.

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Fish, Int. No. 407, entitled "An act to create a liability against towns for injuries sustained by persons in consequence of the highways or bridges in any town being out of repair or having been defectively constructed," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Bradley, Int. No. 810, entitled "An act to amend an act passed December 14, 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845,'" reported in favor of the passage of the same, with an amendment, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kennaday, from the committee on general laws, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 126, entitled "An act to authorize the several towns in this State to maintain certain actions against railroad corporations," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Kennaday, from the committee on general laws, to which was referred the Senate bill introduced by Mr. Coe, Int. No. 124, entitled "An act to amend chapter 265 of the Laws of 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince moved that the bill entitled "An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages," be referred to the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. W. Miller, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,' passed March 8, 1865," and the same ordered to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to provide for the building of a town house in the town of Fort Covington in the county of Franklin," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

"An act to repeal chapter 309 of the Laws of 1853, entitled 'An act relative to the common lands in the town of North Hempstead, county of Queens,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to the St. Regis tribe of Indians, in the county of Franklin," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Badger, and by unanimous consent, said bill was ordered to a third reading.

"An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bill entitled as follows:

"An act to repeal chapter 270 of the Laws of 1829, entitled 'An act for the prevention of masquerades.'"

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the Senate bill entitled as follows:

"An act to reorganize the Thomas Asylum for Orphan and Destitute Indian Children on the Cattaraugus Reservation, and to provide for its management and maintenance."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to incorporate the Twelfth Ward Savings Bank in the city of New York," with a message informing that they non-concur in the amendments of the Assembly thereto, and have appointed a committee of conference thereon, consisting of Messrs. Gross, Wellman and Booth, and request a like committee on the part of the Assembly.

Mr. Smith moved that said request be granted.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Smith, T. C. Campbell, Reilly, Coffey and Vosburgh as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have appointed a committee of conference thereon.

By unanimous consent on motion of Mr. Shiel, the committee of the whole was discharged from the further consideration of the bill entitled "An act to extend the time for the organization of the Central Trust Company of New York," and the same ordered engrossed and to a third reading.

Mr. Speaker announced the special order, being the consideration of the bills entitled as follows:

"An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Seward, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill, together with the reports on canal tolls, be made a special order for Tuesday morning next, immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Seward, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed and to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 63 }  
{ NOES 37 }

Those who voted in the affirmative, were

Badger	Edson	Krack	Rich
Barkley	Ely	Kshinka	Roscoe
Benedict	Fish	Law	Sanford
Berry	Friend	Lawrence	Schenck
Bordwell	Gallagher	Lawson	Schieffelin
Braman	Griffin	Lewis	Sherman
Broas	Hammond	Mackin	Shiel
Brogan	Hanrahan	McAfee	Smith
Brown	Hauschel	Merwin	Talmage
T. J. Campbell	Hogan	J. W. Miller	G. Taylor
Christopher	Houghton	W. Miller	Wenzel
Coffey	Hussey	O'Keefe	Willis
Cole	Ives	Pierson	Witbeck
Cooke	W. A. Johnson	Pope	Worth
Daly	Keenan	Ransom	Wurts
Dessar	Kirk	Reilly	

Those who voted in the negative, were

Alvord	Farrar	McGowan	Seward
Barrow	Faulkner	Oakley	Sherwood
Bishop	Fay	Page	Tewksbury
Burtis	Gedney	Peck	Tremain
Calkins	Green	Petty	Vedder
T. C. Campbell	Hess	Prince	Vosburgh
Clark	Hinckley	Russell	Wellington
Comstock	Husted	Schuyler	West
Daggett	Lillybridge	Soudder	Whitmore
Decker			

Mr. Seward, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Prince moved to make said bill a special order for next Tuesday morning.

Debate was had thereon, when

Mr. Waehner moved as an amendment that the three bills, printed Nos. 450, 451 and 503, be made a special order for Tuesday evening next, and considered in the same committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Prince, as amended, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The Senate returned the bill entitled "An act in relation to the general terms of the supreme court," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 2, after the word "court" insert the words "in the third judicial department." Line 3, after the word "judicial" insert the words "district comprising such."

Add at the end of section 1 the following: "But at least one general term shall be held in such judicial district in said department annually."

Section 2, line 3, after the word "five" insert the words "on or before the first day of December, 1876." Line 6, strike out the words "their respective" and insert the word "said." Change the word "departments" to "department."

Amend the title by adding thereto the words "in the third judicial department."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Roscoe
Barkley	Dessar	Kirk	Russell
Beach	Edson	Kshinka	Schenck
Benedict	Ely	Lawrence	Schieffelin
Berry	Farrar	Lawson	Schuyler
Bishop	Faulkner	Lillybridge	Seward
Bordwell	Fay	Lincoln	Sherman
Braman	Fish	Mackin	Shiel
Broas	Friend	McAfee	Speaker
Burtis	Gallagher	McGroarty	Stephens
Calkins	Green	J. W. Miller	Struble
T. C. Campbell	Griffin	W. Miller	G. Taylor
T. J. Campbell	Hammond	Oakley	W. F. Taylor
Christopher	Hanrahan	O'Keefe	Vedder
Cleary	Hess	Page	Waehtner
Coffey	Hinckley	Peck	Wenzel
Cole	Hogan	Petty	West
Comstock	Hussey	Pierson	Whitmore
Costigan	Husted	Prince	Willis
Daly	W. A. Johnson	Ransom	Worth
Davis	Keenan	Reilly	Yost

Ordered, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act further to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate

the several acts relating to the preservation of moose, wild deer, birds and fish," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 3, lines 5 and 6, strike out the words "or snare."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schenck
Barkley	Ely	Lawrence	Schieffelin
Beach	Farrar	Lawson	Schuyler
Beardsley	Faulkner	Lewis	Seward
Berry	Fay	Lillybridge	Sherman
Bishop	Friend	Lincoln	Shiel
Bordwell	Gallagher	Mackin	Smith
Braman	Gedney	McAfee	Speaker
Broas	Green	McGowan	Stauf
Brogan	Griffin	McGroarty	Stephens
Burtis	Hanrahan	Merwin	Struble
Calkins	Hauschel	J. W. Miller	Talmage
T. C. Campbell	Hess	Oakley	G. Taylor
T. J. Campbell	Hinckley	Page	W. F. Taylor
Cleary	Hogan	Peck	Vosburgh
Coffey	Houghton	Petty	Wahner
Cole	Hussey	Pope	Wenzel
Cooke	Husted	Prince	West
Costigan	W. A. Johnson	Reilly	Whitmore
Daly	Kennaday	Russell	Willis
Decker	Kirk	Sanford	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 476 of the Laws of 1859, entitled 'An act to supply vacancies in the office of justices of the peace of the several towns of this State,'" with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, strike out all after the word "appointment," in line 23, down to and including the word "term," in line 32.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schuyler
Barkley	Edson	Kshinka	Scudder
Beach	Farrar	Lawrence	Seward
Beardale	Faulkner	Lawson	Sherman
Berry	Fay	Lewis	Sherwood
Bishop	Fish	Lincoln	Shiel
Bordwell	Friend	Mackin	Smith
Braman	Gallagher	McAfee	Stauf
Broas	Gedney	McGowan	Stephens
Brogan	Green	McGroarty	Struble
Calkins	Hammond	Merwin	Talmage
T. C. Campbell	Hanrahan	J. W. Miller	G. Taylor
T. J. Campbell	Hauschel	Oakley	W. F. Taylor
Christopher	Hess	Page	Tewksbury
Clark	Hinckley	Petty	Vosburgh
Oleary	Hogan	Pope	Waehner
Coffey	Holmes	Prince	Wenzel
Cole	Hussey	Rich	West
Comstock	Husted	Russell	Whitmore
Cooke	W. A. Johnson	Sanford	Worth
Costigan	Keenan	Schenck	Yost
Daly	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 315 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county,' passed March 26, 1873," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all of said bill, and insert the following:

**AN ACT** to amend an act entitled "An act to amend chapter 135 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes in the town of Jamaica, Queens county.'"

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section 13 of the act entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county, passed March 26, 1873," is hereby amended so as to read as follows:

§ 13. It shall be the duty of such receiver of taxes to render to the county treasurer, in each and every year, between the first and tenth days of October, a full and final account of all property upon which taxes or assessments remain unpaid, together with the names of the owners, if known, and the amount due thereon. The county treasurer



shall forthwith cause the same to be published, not to exceed two times, in each of the newspapers published in said town, the expense of which publication shall be charged upon said lands and premises, and included in the expense of sale by said treasurer. If said tax or assessment be paid before the publication required by section sixteen of said act hereby amended, he may charge and collect the fees actually paid by him, for such publication of the person paying such tax or assessment, not exceeding in all the sum of thirty cents for each parcel so published and named in said receiver's account.

§ 2. Section 16 of said act is hereby amended so as to read as follows :

§ 16. The county treasurer shall cause a list of all unpaid taxes or assessments in said town, with the percentage, charges and interest added, with the description of the premises as contained in the assessment roll, to be published once a week for six consecutive weeks next preceding the day fixed for the sale of said lands, in each of the newspapers published in said town, together with a notice that if said taxes, with the charges, percentage and interest added, and the expense of publication, not to exceed in all the sum of one dollar on each separate parcel, including the county treasurer's charge, be not paid to the county treasurer on or before a certain day at the expiration of said six weeks, such lands, plots, or parcels of land, will be sold at public auction at the town hall in the village of Jamaica, at the time specified in said notice, for the shortest period of time that any person or persons may offer to take the same, in consideration of advancing the said tax, percentage, interest and expenses that shall have accrued thereon at the time of such sale, and the said county treasurer shall cause a copy of said list and notice to be posted in at least six of the most public places in said town, one of said places to be the town hall, at least four weeks before the day fixed for the sale of said lands.

§ 3. Section 17 of said act is hereby amended so as to read as follows :

§ 17. It shall be lawful for the said county treasurer, and it shall be his duty, at any time within twelve months after the time fixed for the final return of the receiver of taxes, to cause such lands and premises, or such parts thereof as he shall deem sufficient for the purpose, to be sold at public auction at the town hall in the village of Jamaica aforesaid, for the payment of such taxes or assessments or such part thereof as may be remaining unpaid, and the interest thereon, together with the expense of advertisement and sale. The sale shall be for the shortest term of years for which any person will take the premises and pay the amount of tax or assessment, with the interest and expenses. The proceedings shall be discontinued at any time before actual sale upon the payment to the county treasurer of the amount of such tax or assessment, with the interest and expenses. The right of redemption in all cases of sale within fifteen months from the day of sale, shall exist to the owner of the premises sold, and the heirs, assigns or executors of such owner or owners, in the same manner and to the same extent as is allowed by law in case of sale of real estate on execution; the payment of such redemption to be made to the county treasurer for the use of the purchaser or purchasers, or the legal representatives or assigns of such purchaser or purchasers. Upon a sale being made, the county treasurer shall give to the purchaser or purchasers a certificate in writing, subscribed by said county treasurer, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same were sold, the amount of the tax or assessment, with the

interest and expense, for which the sale was made, the name of the owner or owners of the premises, if the same shall appear on the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises in case the same be not redeemed. He shall cause a duplicate of such certificate to be filed with the clerk of the county of Queens, and shall also cause a notice to be served upon the owner or mortgagee of such lands or premises at least six months before he shall give a lease of the lands so sold; in case the owner or mortgagee cannot be found, then the said treasurer shall serve such notice by publication in each of the newspapers in said town at the expense of said lands and premises, and proof of such service or publication shall be filed in the office of the clerk of the county of Queens. The amount which said county treasurer shall be entitled to receive in case the proceedings be discontinued after the advertisement or publication authorized by sections sixteen and seventeen of said act, as hereby amended, is begun and before sale, including all printers' fees, advertising and posting, shall be two dollars for each parcel separately assessed. In case of sale he may charge and receive, in addition to the printers' fees, the sum of one dollar and fifty cents for the certificate of sale.

§ 4. In case of a lease being given as provided by section 18 of said act hereby amended, said county treasurer may charge and receive the further sum of two dollars, to be paid by the person receiving such lease, and such sums shall be charged and received in full for all charges and services of said county treasurer under the act hereby amended.

§ 5. Nothing herein contained shall effect the fees of the county treasurer now in office.

§ 6. This act shall take effect immediately.

Amend the title by striking out in line 2 the word "three," and inserting the word "one." Line 3, strike out the word "fifteen" and insert the word "thirty-five;" also, strike out the words "passed March 26, 1878."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Schieffelin
Badger	Decker	Law	Schuyler
Barkley	Dessar	Lawrence	Soudder
Barrow	Edson	Lawson	Seward
Beach	Ely	Lewis	Sherman
Bearlsley	Farrar	Lincoln	Sherwood
Berry	Faulkner	Mackin	Shiel
Bordwell	Fay	McAfee	Speaker
Braman	Friend	McGowan	Stauf
Broas	Gallagher	McGroarty	Stephens
Brogan	Green	J. W. Miller	Struble
Brown	Griffin	W. Miller	Talmage

Calkins	Hanrahan	Oakley	Tewksbury
T. C. Campbell	Hanschel	Page	Tremain
T. J. Campbell	Hess	Peck	Vosburgh
Christopher	Hinckley	Petty	Waehner
Clark	Hogan	Pope	Wenzel
Coffey	Houghton	Prince	West
Cole	Husted	Ransom	Whitmore
Comstock	W. A. Johnson	Rich	Witbeck
Costigan	Keenan	Sanford	Worth
Daly	Kennaday	Schenck	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bills entitled as follows:

"An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York.'"

"An act to amend an act to provide for the care of the lands and buildings known as Washington's Headquarters in the city of Newburgh, and the property connected therewith, passed May 11, 1874, chapter 426."

*Ordered*, That the Clerk deliver said bills to the Governor.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

The Senate bill entitled "An act to amend an act entitled 'An act to amend chapter 291 of the Laws of 1870, entitled An act for the incorporation of villages,' passed March 25, 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Scudder
Badger	Dessar	Lawrence	Seward
Barkley	Edson	Lawson	Sherman
Beach	Ely	Lewis	Sherwood
Beardsley	Faulkner	Lillybridge	Shiel
Berry	Fay	Lincoln	Silverman
Bishop	Friend	Mackin	Smith
Bordwell	Gallagher	McGowan	Speaker
Braman	Gedney	McGroarty	Stauf
Broas	Green	J. W. Milier	Stephens
Brogan	Griffin	W. Miller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	W. F. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Petty	Vosburgh
Christopher	Hogan	Pope	Waehner
Clark	Holmes	Prince	Wenzel
Cleary	Houghton	Ransom	West
Coffey	Husted	Rich	Witbeck

Cole	W. A. Johnson	Russell	Worth
Comstock	Keenan	Schenck	Wurts
Costigan	Kennaday	Schieffelin	Yost
Daly	Kirk	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Waehner, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act relative to the Farmers' Loan and Trust Company," and the same was ordered to a third reading.

The bill entitled "An act for the relief of Ferdinand K. Hahn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Badger	Edson	Lawrence	Sherman
Barkley	Ely	Lawson	Sherwood
Barrow	Farrar	Lillybridge	Shiel
Beach	Faulkner	Lincoln	Silverman
Beardsley	Fay	Mackin	Smith
Berry	Friend	McAfee	Stauf
Bishop	Gallagher	McGroarty	Stephens
Bordwell	Gedney	Merwin	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Broas	Hanrahan	Oakley	W. F. Taylor
Burtis	Hauschel	Page	Tewksbury
Calkins	Hess	Petty	Vosburgh
T. C. Campbell	Hinckley	Pierson	Waehner
T. J. Campbell	Hogan	Prince	Wenzel
Christopher	Hussey	Reilly	West
Cleary	Husted	Roscoe	Whitmore
Coffey	Ives	Russell	Witbeck
Cole	W. A. Johnson	Schenck	Worth
Comstock	Keenan	Schieffelin	Wurts
Costigan	Kirk	Scudder	Yost
Daly	Krack		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, on motion of Mr. Braman, the committee of the whole were discharged from the further consideration of the Senate bill entitled "An act to amend an act entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof; and also to

1 the act to establish a capital police district, and to provide for repea government thereof, passed April 22, 1865, and the several acts th<sup>e</sup> g<sup>a</sup>tory thereof, in so far as they relate to the city of Albany." amend same ordered to a third reading.

The bill entitled "An act to legalize the acts of Charles D. Barrow as notary public," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schuyler
Badger	Ely	Lawrence	Scudder
Barkley	Farrar	Lawson	Seward
Beach	Faulkner	Lewis	Sherman
Benedict	Friend	Lincoln	Sherwood
Berry	Gallagher	Mackin	Shiel
Bordwell	Gedney	McAfee	Smith
Braman	Green	McGowan	Speaker
Broas	Griffin	McGroarty	Stauf
Brogan	Hanrahan	J. W. Miller	Stephens
Burtis	Hauschel	W. Miller	Talmage
Calkins	Hess	Oakley	G. Taylor
T. C. Campbell	Hinckley	O'Keefe	W. F. Taylor
T. J. Campbell	Hogan	Page	Tewksbury
Christopher	Houghton	Petty	Waehner
Clark	Hussey	Pope	Wellington
Coffey	Husted	Prince	Wenzel
Cole	Ives	Ransom	West
Cooke	W. A. Johnson	Rich	Witbeck
Costigan	Kennaday	Russell	Worth
Daly	Kirk	Schenck	Wurts
Decker	Krack	Schieffelin	Yost
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act in relation to the Port road in the city of Brooklyn."

"An act to amend chapter 253 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the New York and Brooklyn Iron Tubular Tunnel Company.'"

"An act to authorize the common council of the city of Buffalo to provide for compensating Anthony Stettenbenz for his costs, expenses and counsel fees incurred in defending an action brought against him to determine his right to the office of street commissioner of said city."

"An act for the relief of John Christmann and Patrick Dunn."

"An act to provide for the re-opening of a part of Bloomingdale road or Broadway, in the city of New York."

"An act to provide for raising money to provide an armory in the city

of Brooklyn for the Fourteenth Regiment of the National Guard of the State of New York."

"An act to authorize the erection of a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll-bridge over said outlet near Moon's Lake House."

Senate, "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

Senate, "An act for the incorporation of societies or clubs for certain lawful purposes."

Senate, "An act to amend an act entitled 'An act to amend chapter 467 of the Laws of 1862, entitled An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed May 2, 1864."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

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### HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize the city of Utica to provide a building for fire department purposes, and borrow and disburse moneys to pay for the same."

"An act to repeal chapter 419 of the Laws of 1874, entitled 'An act to enable the town of Sardinia, Erie county, to raise money to build a town hall.'"

"An act to amend chapter 248 of the Laws of 1872, entitled 'An act to authorize the formation, establishing and maintaining of driving park and park associations.'"

"An act to amend chapter 26 of the Laws of 1874, entitled "An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal Church," passed February 20, 1874."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill recalled from the Governor for amendment, entitled "An act to provide for the better care of pauper and destitute children, with a message informing that they had reconsidered the vote on the final passage of said bill, and passed the same as amended by the Assembly.

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 522 of the Laws of 1860, entitled 'An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and correct the harbor commissioners' lines.'"



"An act to amend chapter 282 of the Laws of 1854, entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers.'"

"An act to regulate the use of the dock or pier at the foot of Jersey street, in the village of New Brighton, in Richmond county."

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. McGroarty from the sub committee of the whole, presented a report in writing; which was laid on the table and ordered printed.

(See Doc No. 139.)

Mr. McGroarty called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act in relation to the Inebriates' Home for Kings county, and to require the incorporators thereof to take the constitutional oath of office."

With the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. Such of the following named persons and their associates as shall severally and respectively duly qualify themselves in the manner and within the time required by this act, are hereby constituted the incorporators of the Inebriates' Home for Kings county, in lieu of the present incorporators thereof, namely: James S. T. Stranahan, Thomas T. Buckley, Joseph W. Richardson, William M. Thomas, William J. Osborne, John H. Prentice, Hugh McLaughlin, George G. Herman, Theodore L. Mason, Cornelius Ferguson, Adolphus Gubner, Peter Milne, Jr., Alfred Bedford, James H. Prentice and John Willett.

"§ 2. It shall be the duty of the incorporators appointed by this act, before entering upon their duties, and within ten days after the passage of this act, and of their associates, within ten days after their election, to qualify by taking the oath of office prescribed by the Constitution, and filing the same in the office of the clerk of Kings county; and none of them who shall fail so to qualify within the time herein prescribed, shall possess or exercise any of the powers or duties of such incorporators.

"§ 3. Section 2 of chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof,' is hereby amended so as to read as follows:

"§ 2. All fines hereafter collected for intoxication, and all violations of the excise law in the city of Brooklyn, and in the county of Kings, shall be paid to the treasurer of the Inebriates' Home for Kings county, in the manner hereafter stated. The justice of the peace and the police justices of the city of Brooklyn and the justices of the peace in the towns of Kings county, and the keepers of the county jail and penitentiary, and the police and constables of said city and county towns are hereby required to pay to the treasurer of said Inebriates' Home, monthly, all moneys received by them for intoxication, and all violations of the acts regulating the sale of intoxicating liquors in the city of Brooklyn and county of Kings; such payments shall be accompanied by a detailed statement, showing the separate amounts received, from whom

received, the date when received, and the residence of the party, so far as the same can be ascertained by his or her examination, and that of the officer making the arrest, which statement shall be verified by the oath of the justice or other official receiving said money. All persons failing to comply with the provisions of this section shall be guilty of a misdemeanor. The respective grants provided for in sections 1 and 2 of this act, shall, on and subsequent to January 1, 1875, be applied to the care and treatment in said home of such poor, actual residents of the county of Kings as may be legally chargeable to said county as paupers by reason of habitual drunkenness.

“§ 4. Any magistrate of the city of Brooklyn, or of the county of Kings, on complaint duly made against any person being a legal resident of said county, as an habitual drunkard, and thereby rendered unable to support himself or herself, and not having any relative legally chargeable with the support of such person, or who may be able to support such person may, on conviction and the determination by such magistrate of the status of such person as a pauper, after commitment according to law to one of the prisons of said city or county, so modify his order of commitment as to direct the transfer of the person so committed to the house during the period of said commitment, in accordance with the provisions of section 2 of chapter 797 of the Laws of 1873.

“§ 5. Any person so transferred to the home by such order of a magistrate, who shall escape from the institution, or who shall, by reason of insubordination or other improper conduct, prove in the judgment of the house committee of said home that said person is an improper subject for care and treatment in said home, shall at once be removed to the prison to which he or she was originally committed, and the keeper of such prison shall take into his custody and retain such person during the balance of the period for which said person was originally committed, on the receipt of a certificate from the house committee of said home, signed by the chairman of said committee, together with the magistrates's original commitment to prison.

“§ 6. In the construction of the provisions of the several acts constituting the charter of the Inebriate Home for Kings county, the term ‘habitual drunkard,’ shall apply to all persons who, either by reason of habits of periodical, frequent or constant drunkenness, induced either by the use of alcoholic or vinous or other liquors, or opium or other narcotic or intoxicating or stupefying substances, shall on trial and conviction be found to be incapable or unfit to properly conduct their own affairs, or to be dangerous to themselves or others, or to neglect or fail to support themselves or those legally chargeable to them for maintenance.

“§ 7. This act shall take effect immediately.”

Amend the title so as to read, “An act in relation to the Inebriate Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled ‘An act to provide means for the support of the Inebriate Home for Kings county, and the better government thereof.’”

“An act to legalize the resolution adopted at the last annual town meeting in the town of Olean, providing an appropriation by tax for the construction of a vault in the burial ground of that town.”

“An act to amend chapter 548 of the Laws of 1869, entitled ‘An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung.’”  
With the following amendments:



Insert after the word "of," in line 1 of section 1, the words "chapter 548 of the Laws of 1869, entitled 'An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung.'" Strike out in same line the words "said act."

"An act to amend an act entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter,' passed April 29, 1868." With the following amendments:

Strike out in line 1, section 1, the words "an act" and insert the words "chapter 448 of the Laws of 1868."

Strike out in lines 3 and 4 of same section, the words "passed April 29, 1868."

Amend the title so as to read, "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter.'"

"An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village."

"An act to give effect to a deed of assignment made by the Washington Iron Works to James Bigler."

"An act to amend section 118 of article 8 of chapter 2, title 4, part 3 of the Revised Statutes, in relation to the duties of the justices in actions commenced before them in which they are shown to be material witnesses." With the following amendment:

Section 1, line 11, after the word "constable" insert the words "who served the original process."

Senate, "An act to authorize the New York and Hudson Steamboat Company to mortgage its property."

"An act to release to Josephine Robright the real estate of which Frederick Robright died seized."

Senate, "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners."

"An act to further amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village.'"

"An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital."

Senate, "An act in relation to the incorporation of musical colleges, schools and academies."

"An act to provide for the payment for the use and occupation of armories and drill-rooms in the city and county of New York."

Senate, "An act in relation to the purchase by the United States of certain lands at West Point, and the ceding jurisdiction of this State over said lands to the United States." With the following amendment:

Insert after the word "observatory," in line 14, engrossed bill the words "and the Legislature hereby also cedes the jurisdiction over said lands to the United States."

"An act to authorize the county of Kings to purchase from the State

of New York the State arsenal, in the city of Brooklyn, as an armory, and to provide for the sale of the same by the State."

"An act relating to lands in the Old Military Tract sold by the State Engineer and Surveyor."

"An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female,' passed March 29, 1871." With the following amendments:

Strike out in line 2, section 2, the words "or threaten to accuse."

Amend the title so as to read, "An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female.'"

Senate, "An act to amend an act entitled 'An act to incorporate the village of Port Richmond, in the county of Richmond,' passed April 24, 1866, and the act amendatory thereof,' passed April 25, 1867, and also to amend chapter 467 of the Laws of 1874, being an act amendatory of said above-mentioned acts."

"An act to prevent injury to animals in the city of New York."

"An act in relation to the Flushing high school in school district No. 5 of the town of Flushing, Queens county."

"An act to amend chapter 490 of the Laws of 1874, entitled 'An act to amend chapter 504 of the Laws of 1873, entitled An act in relation to a certain highway in the county of Hamilton, appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto, passed May 14, 1873,' passed May 20, 1874."

With the following amendments:

Strike out in line 2 of section 1 the words "being an act." Strike out in lines 6, 7 and 8 of same section the words "passed May 14, 1873, passed May 20, 1875."

Amend the title so as to read "An act to amend chapter 490 of the Laws of 1874, entitled 'An act to amend chapter 504 of the Laws of 1873, entitled An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.'"

"An act to amend chapter 42 of the Laws of 1872, entitled 'An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village.'"

"An act to amend chapter 435, Laws of 1873, entitled 'An act to amend chapter 733, Laws of 1872, entitled An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, also to repeal section 30 of said act." With the following amendments:

Strike out in line 2 of section 1 the words "passed May 7, 1873."

Strike out in line 8 of same section the words "passed April 26, 1871."

Strike out all after the word "the" first occurring in line 25, down to and including the word "Troy" in line 26, and insert the words "Erie canal and in its feeders between the cities of Syracuse and Troy, and in the Mohawk river and its tributaries, except Schoharie creek."

Strike out all after the word "the" first occurring in line 28, down to and including the word "Troy" in line 29, and insert the words "Erie canal and its feeders between the cities of Syracuse and Troy, and the Mohawk river and its tributaries, except Schoharie creek."

Amend the title so as to read "An act to amend chapter 435, Laws of

1873, entitled 'An act to amend chapter 733, Laws of 1872, entitled **An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,** also to repeal section 30 of said act."

"An act to abandon the further use, by the people of the State of New York, of the buildings, lands and premises in the county of Albany used as a public arsenal, and to convey said buildings, lands and premises to the city of Albany." With the following amendment:

Strike out in line 3 of section 1 the words "Anno Domini."

"An act to appoint commissioners to erect a city hall in and for Long Island City, and to provide for the expenses of the same." With the following amendments:

Strike out in lines 1 and 2 of section 1, down to and including the word "act" in line 2, and insert the following: "The board of aldermen of Long Island City are hereby authorized, empowered and directed, and it shall be their duty, upon the nomination by the mayor of said city, and with the concurrence of a majority of all the members elected to said board of aldermen, to appoint three commissioners within twenty days after the final passage of this act, whose duty shall be."

Strike out in line 12 of the same section the words "one month" and insert the words "three weeks." Insert after the word "but" in line 17 of same section, the following: "The said commissioners are hereby directed, and it shall be their duty, within sixty days after the date of their appointment to office under this act, to let all the necessary contracts for the erection of all the external structure, not including the roof, of said city hall, and it shall be their duty to have the same fully and permanently roofed within seven months from the date of their appointment as commissioners under this act, and the."

Strike out in line 3 of section 2 the words "or so much thereof as may be necessary."

Insert after the word "commissioners" in line 1 of section 3 the following: "within ten days after their appointment to office under this act, and."

Strike out the word "five" in line 6 of same section, and insert the word "ten."

Make the word "commission," in line 4 of section 4, "commissioner."

Insert after the word "serve," in line 2 of section 5, the words "or a failure to qualify."

Insert the following as section 7:

"§ 7. If any or all of the said three commissioners shall not be appointed within the time and in the manner specified in the first section of this act, the appointment of all said three commissioners shall thereupon and thereafter be and is hereby declared null and void, and without effect, and as if none of the said commissioners had been appointed, and the following named persons, viz.: Charles H. Rogers, Thomas McMahon and Francis McNenna shall thereupon and thereafter be and are hereby appointed commissioners to carry out the provisions of this act, and they shall possess all the rights and powers and shall discharge all the duties and liabilities of commissioners under this act as if they had been first appointed in the manner specified in the first section of this act; and it is further declared that should the commissioners appointed in the manner specified in the first section of this act fail to let all the necessary contracts for the erection of the whole of the external structure of said city hall as hereinbefore provided, or

should they fail to have the same fully and permanently roofed within seven months after the date of their appointment as commissioners under this act, then the said commissioners shall be deemed and shall be held in fact and in law to have vacated their office, and they shall no longer hold office as commissioners under this act, and all their rights and powers, with their duties and lawful liabilities as commissioners shall be and shall remain and shall continue and shall thereupon be vested in the persons herein named as commissioners, who shall be and be held as the lawful successors of the said three commissioners appointed under this act, and the said three commissioners named herein shall thereupon and thereafter proceed in good faith and with all possible dispatch to the erection and completion of said city hall, subject to the provisions and restrictions of this act."

Change subsequent sections to correspond.

Amend the title so as to read "An act to authorize the erection of a city hall in and for Long Island City, and to provide for the expenses of the same."

"An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city,' passed April 7, 1866."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:

*Whereas*, In the year 1872 resolutions were passed requesting the Governor to apply to the President of the United States to appoint three officers in the service of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Brooklyn side; and, whereas, an equal necessity has arisen for such revision upon the shores of Staten Island; therefore,

*Resolved* (if the Assembly concur), That the Governor be requested to apply to the President of the United States to appoint the same or equally competent officers in the service of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Staten Island side, and report such revised line to the Legislature.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

On motion of Mr. Hammond, and by unanimous consent, the committee of the whole was discharged from the further consideration of Assembly bill No. 433, entitled "An act authorizing the appointment of centennial commissioners," and the same ordered to a third reading.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, reported a bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Krack, Int. No. 174, entitled "An act

to amend section 4, title 5, chapter 20 of part 1 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and the title amended by adding at the end thereof the words "in relation to disorderly persons," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. G. Taylor, Int. No. 825, entitled "An act to authorize Samuel Hamilton, as trustee, to mortgage certain real estate held by him in trust," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the estate of the infant children and heirs-at-law of Martha West Yale, deceased," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Sherman, Int. No. 615, entitled "An act to provide houses of detention in the several counties in this State, for the safe keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Ledwith, Int. No. 46, entitled "An act to amend section 238 of the Code of Procedure," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Cleary, Int. No. 972, entitled "An act for the relief of James Luther McCoy, and to authorize him to sign, execute and acknowledge instruments in writing in regard to his interest in the estate of his father, Luther McCoy, deceased, late of the city of Troy, New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act for the relief of James Luther McCoy," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Hauschel introduced a bill entitled "An act in relation to the slaughtering and converting of animals into articles of merchandise and commerce in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

The bill entitled "An act to release to Maria Allen the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.



{ AYES 87 {  
 { NOES 00 {

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Badger	Decker	Kshinka	Shattuck
Barkley	Dessar	Law	Sherman
Barrow	Edson	Lawrence	Sherwood
Beach	Ely	Lewis	Shiel
Berry	Faulkner	Lillybridge	Silverman
Bishop	Fay	Lincoln	Speaker
Bordwell	Fish	Maackin	Stauf
Broas	Friend	McAfee	Struble
Brogan	Gallagher	McGroarty	Talmage
Brown	Gedney	Merwin	G. Taylor
Calkins	Green	J. W. Miller	W. F. Taylor
T. C. Campbell	Griffin	Muller	Tewksbury
T. J. Campbell	Hammond	Oakley	Vedder
Clark	Hanrahan	O'Keefe	Vosburgh
Cleary	Hauschel	Page	Waehner
Coffey	Hinckley	Peck	Wenzel
Cole	Hogan	Petty	West
Comstock	Hussey	Prince	Whitmore
Costigan	W. A. Johnson	Rich	Willis
Daggett	Keenan	Russell	Wurts
Daly	Kennaday	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to amend chapter 399 of the Laws of 1874, entitled 'An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year 1874, for the construction of new work upon and extraordinary repairs of the canals of this State,' passed May 9, 1874," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, lines 5, 6, 7 and 8, strike out the words "enlargement work at Whitehall and elsewhere on the Champlain canal, under contract at the time of the passage of this act," and insert in lieu thereof the words "construction of wall between the canal and Wood creek, in the village of Whitehall, also a vertical wall on the berme side in said village." Lines 8 and 9, strike out the words "one hundred and fifty-four," and insert the word "seventy." Line 12, after the word "interest" insert the words "and to pay for enlargement work at Bemis Heights, the sum of twenty-one thousand three hundred and eighty-five dollars, with interest thereon."

Add at end of section 2 the following: "No provision of this act shall be construed as approving, adopting or legalizing any action of the Canal Board, Canal Commissioners or Contracting Board, which was unauthorized or not in conformity with law when the act was done."

The amendments having been read,

Mr. Page moved to non-concur in the same, and that a committee of

conference be appointed on the part of the House, and a like committee requested on the part of the Senate,

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Page, Davis, Kshinka, Alvord and W. Miller as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The bill entitled "An act to repeal chapter 346 of the Laws of 1870, entitled 'An act authorizing the election of a police justice in the village of Tonawanda,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 77 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Sherman
Badger	Edson	Krack	Sherwood
Beach	Ely	Kshinka	Shiel
Benedict	Faulkner	Lawson	Silverman
Berry	Fay	Lincoln	Smith
Bishop	Friend	Mackin	Speaker
Bradley	Gallagher	McGroarty	Stauf
Brogan	Gedney	J. W. Miller	Stephens
Brown	Green	Oakley	Struble
Burtis	Griffin	O'Keefe	Talmage
Calkins	Hanrahan	Page	W. F. Taylor
T. C. Campbell	Hess	Petty	Tewksbury
T. J. Campbell	Hinckley	Pope	Vedder
Cleary	Hogan	Prince	Vosburgh
Coffey	Hussey	Ransom	Waehner
Cole	Husted	Rich	Wenzel
Costigan	W. A. Johnson	Schenck	Willis
Daly	Keenan	Schnyler	Wurts
Davis	Kennaday	Scudder	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 252 of the Laws of 1874, entitled 'An act to provide for supplying the village of Owego, in the county of Tioga, with water,' passed April 25, 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Keenan	Soudder
Badger	Davis	Kennaday	Shattuck
Barkley	Decker	Krack	Sherman
Barrow	Dessar	Kshinka	Sherwood
Beach	Edson	Lawrence	Shiel
Benedict	Ely	Lillybridge	Silverman
Berry	Faulkner	Lincoln	Smith
Bishop	Fay	Mackin	Speaker
Braman	Fish	McAfee	Struble
Broas	Friend	McGowan	Talmage
Brogan	Gallagher	McGroarty	G. Taylor
Burtis	Gedney	Merwin	W. F. Taylor
Calkins	Green	J. W. Miller	Tewksbury
T. C. Campbell	Griffin	Muller	Vosburgh
T. J. Campbell	Hanrahan	Oakley	Waehner
Clark	Hepburn	O'Keefe	Wenzel
Cleary	Hess	Page	West
Coffey	Hinckley	Peck	Whitmore
Cole	Hogan	Petty	Willis
Comstock	Hussey	Russell	Wurts
Costigan	W. A. Johnson	Schuyler	Yost

For the negative,

Prince

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Law	Schuyler
Barkley	Dessar	Lawrence	Sherman
Beach	Edson	Lillybridge	Sherwood
Benedict	Ely	Lincoln	Shiel
Berry	Fay	Mackin	Silverman
Bishop	Fish	McAfee	Smith
Bowen	Friend	McGowan	Speaker
Braman	Gallagher	McGroarty	Stauf
Broas	Gedney	Merwin	Struble
Brogan	Griffin	J. W. Miller	Talmage



Burtis	Hammond	Muller	G. Taylor
Calkins	Hanrahan	Oakley	W. F. Taylor
T. C. Campbell	Hauschel	O'Keefe	Tewksbury
T. J. Campbell	Hepburn	Page	Vedder
Clark	Hess	Peck	Vosburgh
Cleary	Hogan	Petty	Waehner
Coffey	Hussey	Pierson	Wellington
Cole	W. A. Johnson	Pope	Wenzel
Comstock	Keenan	Prince	Whitmore
Costigan	Kennaday	Reilly	Willis
Daggett	Kirk	Russell	Worth
Daly	Krack	Sanford	Wurts
Davis	Kshinka	Schenck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm the title of certain lands situate in the city of Newburgh to the grantees and heirs-at-law of Francis Wilson, alien, late of said city, deceased," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Schenck
Badger	Davis	Law	Schieffelin
Barkley	Decker	Lawrence	Schuyler
Barrow	Dessar	Lewis	Shattuck
Beach	Edson	Lillybridge	Sherman
Benedict	Ely	Lincoln	Sherwood
Berry	Faulkner	Mackin	Silverman
Bishop	Fish	McAfee	Slingerland
Bordwell	Friend	McGowan	Smith
Braman	Gallagher	McGroarty	Speaker
Broas	Gedney	Merwin	Struble
Brogan	Griffin	J. W. Miller	Talmage
Burtis	Hammond	Muller	G. Taylor
Calkins	Hanrahan	Oakley	W. F. Taylor
T. C. Campbell	Hauschel	O'Keefe	Tewksbury
T. J. Campbell	Hess	Page	Vedder
Clark	Hinckley	Peck	Vosburgh
Cleary	Hogan	Petty	Waehner
Coffey	Husted	Pierson	Wenzel
Cole	W. A. Johnson	Pope	Whitmore
Comstock	Kennaday	Rich	Willis
Costigan	Kirk	Russell	Wurts
Daggett	Krack	Sanford	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the resolution requesting the return from the

Governor, for amendment, of the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' and the acts amending the same," with a message informing of concurrence therein.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The bill entitled "An act to amend an act entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Lawrence	Schuyler
Badger	Decker	Lewis	Sherman
Barkley	Dessar	Lillybridge	Sherwood
Beach	Edson	Lincoln	Shiel
Benedict	Ely	Mackin	Silverman
Berry	Faulkner	McGowan	Slingerland
Bishop	Fay	McGroarty	Speaker
Bordwell	Friend	J. W. Miller	Stauf
Braman	Gedney	Muller	Struble
Broas	Griffin	Oakley	Talmage
Brogan	Hanrahan	O'Keefe	G. Taylor
Burtis	Hauschel	Page	W. F. Taylor
Calkins	Hess	Peck	Vedder
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner
Clark	Hussey	Prince	Wenzel
Cleary	Husted	Ransom	West
Coffey	Keenan	Reilly	Willis
Cole	Kennaday	Roscoe	Witbeck
Cooke	Kirk	Russell	Wurts
Costigan	Krack	Sanford	Yost
Daggett	Kshinka	Schenck	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof," being announced for a third reading,

By unanimous consent, on motion of Mr. Mackin, said bill was amended as follows:

Strike out all after the word "line," in line 7, section 1, engrossed bill, down to and including the word "line" in line 14.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Davis	Kennaday	Rich
Badger	Dessar	Kirk	Sanford
Beach	Edson	Krack	Schenck
Benedict	Ely	Kshinka	Schuyler
Bennett	Faulkner	Lawrence	Shattuck
Berry	Fay	Lewis	Shiel
Bishop	Fish	Lincoln	Silverman
Bordwell	Friend	Mackin	Slingerland
Braman	Gallagher	McAfee	Smith
Broas	Gedney	McGowan	Stacy
Brogan	Griffin	McGroarty	Struble
Burtis	Hammond	J. W. Miller	G. Taylor
Calkins	Hanrahan	Muller	Tewksbury
T. C. Campbell	Hauschel	Oakley	Vosburgh
T. J. Campbell	Hepburn	O'Keefe	West
Clark	Hess	Page	Whitmore
Cleary	Hinokley	Peck	Willis
Cole	Hogan	Petty	Witbeck
Comstock	Hussey	Pierson	Worth
Costigan	Husted	Pope	Wurts
Daggett	W. A. Johnson	Prince	Yost
Daly			

For the negative,

Keenan

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the payment of jurors in protracted trials," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Schieffelin
Barkley	Faulkner	Lewis	Schuyler
Beach	Fay	Lillybridge	Scudder
Benedict	Fish	Lincoln	Shattuck
Bennett	Friend	Mackin	Shiel
Berry	Gallagher	McGowan	Silverman
Bishop	Griffin	McGroarty	Slingerland
Brogan	Hammond	Merwin	Smith

Brown	Hanrahan	J. W. Miller	Struble
Calkins	Hauschel	Muller	G. Taylor
T. C. Campbell	Hepburn	Oakley	Vosburgh
T. J. Campbell	Hess	O'Keefe	Wenzel
Clark	Hinckley	Page	West
Coffey	Hogan	Peck	Whitmore
Comstock	Husted	Petty	Willis
Costigan	W. A. Johnson	Pierson	Witbeck
Daggett	Keenan	Prince	Worth
Daly	Kennaday	Rich	Wurts
Davis	Kirk	Russell	Yost
Decker	Krack	Sanford	

For the negative,

Badger

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the election of a police constable in the village of McGrawville, Cortland county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Sanford
Badger	Dessar	Krack	Schenck
Barkley	Ely	Kshinka	Schieffelin
Barrow	Faulkner	Law.	Schuyler
Beach	Fay	Lawrence	Scudder
Benedict	Fish	Lewis	Sherman
Bennett	Friend	Lillybridge	Shiel
Berry	Gallagher	Lincoln	Slingerland
Bishop	Gedney	Mackin	Smith
Bordwell	Griffin	McGowan	Struble
Brogan	Hammond	McGroarty	G. Taylor
Burtis	Hanrahan	Merwin	Tewksbury
Calkins	Hauschel	J. W. Miller	Vosburgh
T. C. Campbell	Hess	Oakley	Wenzel
T. J. Campbell	Hinckley	O'Keefe	West
Clark	Hogan	Page	Whitmore
Coffey	Hussey	Peck	Willis
Cole	Husted	Petty	Witbeck
Costigan	W. A. Johnson	Pope	Worth
Daggett	Keenan	Prince	Wurts
Daly	Kennaday	Russell	Yost
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable the town of Queensbury, in the county of Warren, to use certain moneys now in the hands of the supervisor of said town, for the construction of an iron bridge across the Hudson river at Glens Falls in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Keenan	Rich
Badger	Daly	Kennaday	Russell
Barkley	Davis	Kirk	Sanford
Barrow	Decker	Krack	Schenck
Beach	Ely	Kshinka	Schieffelin
Benedict	Faulkner	Lawrence	Schuyler
Bennett	Fay	Lewis	Scudder
Berry	Fish	Lillybridge	Sherwood
Bishop	Friend	Lincoln	Smith
Bordwell	Gallagher	Mackin	Speaker
Broas	Gedney	McGowan	Struble
Brogan	Griffin	McGroarty	G. Taylor
Burtis	Hammond	Merwin	Tewksbury
Calkins	Hanrahan	J. W. Miller	Vosburgh
T. C. Campbell	Hauschel	Muller	Waehner
T. J. Campbell	Hepburn	Oakley	West
Clark	Hess	O'Keefe	Whitmore
Cleary	Hinckley	Page	Willis
Coffey	Hogan	Peck	Witbeck
Cole	Hussey	Petty	Wurts
Comstock	Husted	Prince	Yost
Costigan	W. A. Johnson		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to authorize the president and trustees of the village of West Troy to issue village bonds for the purpose of providing water for public use in said village, and to provide for the payment of the same and the interest thereon," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Sanford
Badger	Decker	Kshinka	Schuyler

Barkley	Dessar	Law	Scudder
Beach	Ely	Lewis	Shattuck
Benedict	Faulkner	Lillybridge	Sherman
Bennett	Fay	Lincoln	Sherwood
Berry	Fream	Mackin	Slingerland
Bishop	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Speaker
Broas	Griffin	McGroarty	Stacy
Brogan	Hammond	Merwin	Stauf
Burtis	Hanrahan	J. W. Miller	Struble
Calkins	Hauschel	Muller	G. Taylor
T. C. Campbell	Hepburn	Oakley	Tewksbury
T. J. Campbell	Hess	O'Keefe	Vosburgh
Clark	Hinckley	Page	Wenzel
Cleary	Hogan	Peck	West
Coffey	Hussey	Petty	Whitmore
Cole	Husted	Pierson	Witbeck
Cooke	W. A. Johnson	Pope	Worth
Costigan	Keenan	Prince	Wurts
Daggett	Kennaday	Rich	Yost
Daly	Kirk	Russell	

*Ordered, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.*

The bill entitled "An act to legalize the action of the village of Whitehall in acquiring title to certain lands, and erecting a building thereon, and authorizing the issuing of bonds of said village for the payment of the debt incurred in such erection," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kirk	Pope
Badger	Daly	Krack	Prince
Barrow	Davis	Kshinka	Russell
Beach	Decker	Law	Schuyler
Benedict	Dessar	Lewis	Scudder
Bennett	Edson	Lillybridge	Shattuck
Berry	Ely	Lincoln	Sherwood
Bishop	Faulkner	Mackin	Smith
Broas	Friend	McAfee	Speaker
Brogan	Gallagher	McGowan	Stauf
Burtis	Gedney	McGroarty	Struble
Calkins	Griffin	Merwin	G. Taylor
T. C. Campbell	Hanrahan	J. W. Miller	Waehner
T. J. Campbell	Hauschel	Muller	Wenzel
Clark	Hess	Oakley	West
Cleary	Hinckley	O'Keefe	Whitmore

Coffey	Hogan	Page	Willis
Cole	Husted	Peck	Worth
Comstock	W. A. Johnson	Petty	Wurts
Costigan	Kennaday	Pierson	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of the Cypress Hills Cemetery," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 69 }  
{ NOES 14 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Shattuck
Badger	Davis	Law	Sherman
Barkley	Decker	Lawrence	Sherwood
Barrow	Dessar	Lewis	Silverman
Beach	Edson	Lillybridge	Smith
Benedict	Faulkner	Lincoln	Speaker
Bennett	Fay	Mackin	Stacy
Berry	Friend	McAfee	Stauf
Bishop	Gallagher	McGroarty	Struble
Broas	Gedney	Merwin	Talmage
Bartis	Griffin	J. W. Miller	G. Taylor
Calkins	Hanrahan	O'Keefe	Tewksbury
T. J. Campbell	Hauschel	Page	Vosburgh
Clark	Hess	Peck	West
Cleary	Hussey	Sanford	Worth
Comstock	W. A. Johnson	Schnyler	Wurts
Costigan	Kennaday	Scudder	Yost
Daggett			

Those who voted in the negative, were

T. C. Campbell	Hogan	Prince	Waehner
Coffey	Oakley	Schenck	Whitmore
Ely	Petty	Schieffelin	Willis
Hammond	Pierson		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 729 of the Laws of 1871, entitled 'An act authorizing the board of supervisors in the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Badger	Decker	Lewis	Shattuck
Barkley	Edson	Lillybridge	Sherman
Beach	Ely	Lincoln	Sherwood
Benedict	Faulkner	Mackin	Silverman
Bennett	Fream	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	J. W. Miller	Stauf
Bordwell	Griffin	Oakley	Struble
Broas	Hammond	O'Keefe	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hauschel	Peck	Tewksbury
T. C. Campbell	Hess	Petty	Waehner
T. J. Campbell	Hinckley	Pierson	Wenzel
Clark	Hogan	Pope	West
Coffey	Hussey	Russell	Whitmore
Comstock	Husted	Sanford	Worth
Costigan	Ives	Schenck	Wurts
Daggett	W. A. Johnson	Schuyler	Yost
Daly	Kennaday		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to release the interest and title of the people of the State of New York in and to certain real estate in the city of New York, to Walter Bauendahl and Leonard J. Stiastry," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Keenan	Rich
Badger	Decker	Kennaday	Schenck
Barkley	Dessar	Kirk	Schieffelin
Barrow	Edson	Kshinka	Scudder
Beach	Ely	Lawrence	Shattuck
Benedict	Faulkner	Lewis	Sherwood
Bennett	Fay	Lillybridge	Shiel
Berry	Friend	Lincoln	Slingerland
Bishop	Gallagher	Mackin	Smith
Bordwell	Gedney	McAfee	Speaker
Braman	Griffin	McGowan	Stauf
Brogan	Hammond	McGroarty	Struble
Burtis	Hanrahan	Merwin	Talmage
Calkins	Hauschel	J. W. Miller	W. F. Taylor
T. C. Campbell	Hepburn	Muller	Tewksbury



T. J. Campbell	Hess	Oakley	Vedder
Clark	Hinckley	O'Keefe	Vosburgh
Cleary	Hogan	Page	Waehner
Coffey	Houghton	Peck	Wenzel
Cole	Hussey	Petty	West
Cooke	Husted	Pierson	Willis
Costigan	Ives	Pope	Wurts
Daggett	W. A. Johnson	Prince	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to authorize the city of Elmira to pay claims for damages to certain lands caused by the erection of an elevated bridge upon Washington avenue in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	W. A. Johnson	Schuyler
Badger	Decker	Kennaday	Seward
Barkley	Dessar	Kirk	Shattuck
Beach	Edson	Lawrence	Sherwood
Benedict	Ely	Lewis	Shiel
Bennett	Faulkner	Lillybridge	Smith
Berry	Fish	Lincoln	Speaker
Bishop	Friend	Mackin	Stauf
Broas	Gallagher	McAfee	Struble
Brogan	Gedney	McGowan	Talmage
Burtis	Griffin	McGroarty	W. F. Taylor
Calkins	Hammond	J. W. Miller	Vedder
T. C. Campbell	Hanrahan	Oakley	Waehner
T. J. Campbell	Hauschel	Page	Wenzel
Clark	Hepburn	Peck	West
Cleary	Hess	Petty	Whitmore
Comstock	Hinckley	Pierson	Willis
Costigan	Hogan	Pope	Wurts
Daggett	Husted	Prince	Yost
Daly	Ives	Schenck	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend chapter 592 of the Laws of 1874, entitled 'An act to incorporate the Merchants' Loan Company,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schuyler
Badger	Dessar	Kirk	Soudder
Barkley	Edson	Kshinka	Shattuck
Beach	Ely	Lewis	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Berry	Fay	Lincoln	Smith
Bishop	Friend	McAfee	Speaker
Bordwell	Gallagher	McGowan	Stephens
Broas	Gedney	McGroarty	Struble
Brogan	Griffin	J. W. Miller	G. Taylor
Burtis	Hammond	Muller	Tewksbury
Calkins	Hanrahan	Oakley	Vedder
T. C. Campbell	Hauschel	Page	Vosburgh
T. J. Campbell	Hess	Peck	Waehner
Clark	Hinckley	Petty	Wenzel
Cleary	Hogan	Pope	West
Cole	Husted	Prince	Willis
Comstock	Ives	Russell	Wurts
Costigan	Keenan	Schenck	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to incorporate the Protectorate and Reformatory for Destitute Children from Oneida and adjacent counties," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Scudder
Badger	Dessar	Kirk	Shattuck
Barkley	Edson	Kshinka	Sherwood
Beach	Ely	Lawrence	Shiel
Benedict	Faulkner	Lillybridge	Smith
Bennett	Fay	Lincoln	Speaker
Berry	Friend	Mackin	Stauf
Bishop	Gallagher	McAfee	Struble
Broas	Gedney	McGowan	Talmage
Brogan	Griffin	McGroarty	W. F. Taylor
Burtis	Hammond	J. W. Miller	Tewksbury
Calkins	Hanrahan	Oakley	Vedder
T. C. Campbell	Hauschel	O'Keefe	Vosburgh
T. J. Campbell	Hess	Page	Waehner
Clark	Hinckley	Peck	Wenzel

Cleary	Hogan	Petty	West
Coffey	Hussey	Pope	Whitmore
Comstock	Husted	Prince	Willis
Costigan	Ives	Russell	Wurts
Daly	W. A. Johnson	Schenck	Yost
Davis	Keenan	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for laying out and constructing a canal in continuation of Bushwick creek in the city of Brooklyn, and for the construction of docks," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Scudder
Badger	Davis	Kshinka	Shattuck
Barkley	Decker	Lewis	Sherwood
Barrow	Dessar	Lincoln	Shiel
Beach	Edson	Mackin	Slingerland
Benedict	Ely	McAfee	Smith
Bennett	Faulkner	McGowan	Speaker
Berry	Friend	McGroarty	Stauf
Bowen	Gallagher	Merwin	Struble
Broas	Griffin	J. W. Miller	Talmage
Brown	Hammond	Oakley	G. Taylor
Burtis	Hanrahan	O'Keefe	Tewksbury
Calkins	Hauschel	Peck	Vedder
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hinckley	Pierson	Wellington
Clark	Hogan	Pope	Wenzel
Cleary	Hussey	Prince	West
Coffey	Husted	Roscoe	Whitmore
Comstock	Ives	Russell	Wurts
Costigan	Keenan	Schenck	Yost
Daggett	Kennaday	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Buffalo to order to be assessed and to cause to be raised by local assessment, the amount of the expenses incurred in rebuilding the westerly end of the sewer in Breckenridge street in said city, upon and from the lands benefited thereby," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Keenan	Russell
Badger	Davis	Kennaday	Schenck
Barrow	Decker	Kirk	Scudder
Beach	Dessar	Kshinka	Shattuck
Benedict	Edson	Lillybridge	Sherwood
Bennett	Ely	Lincoln	Shiel
Berry	Faulkner	Mackin	Smith
Bordwell	Fay	McAfee	Speaker
Broas	Friend	McGowan	Stephens
Brogan	Gallagher	McGroarty	Struble
Burtis	Griffin	Merwin	G. Taylor
Calkins	Hammond	J. W. Miller	Tewksbury
T. C. Campbell	Hanrahan	Muller	Vosburgh
T. J. Campbell	Hauschel	Oakley	Waehner
Clark	Hess	O'Keefe	Wenzel
Cleary	Hinckley	Page	West
Cole	Hogan	Petty	Whitmore
Comstock	Hussey	Pope	Willis
Costigan	Husted	Prince	Wurts
Daggett	Ives	Ransom	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 321 of the Laws of 1873, entitled 'An act to amend an act entitled An act to incorporate the Eight Ward Savings Bank of the city of New York,' passed March 22, 1871, and to change its name to Fifth Avenue Savings Bank, passed April 29, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schieffelin
Badger	Dessar	Kirk	Scudder
Barkley	Edson	Kshinka	Shattuck
Barrow	Ely	Law	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Bennett	Fay	Lincoln	Smith
Berry	Friend	Mackin	Speaker
Bishop	Gallagher	McAfee	Stacy
Broas	Gedney	McGowan	Stauf
Brown	Griffin	McGroarty	Struble
Burtis	Hammond	Merwin	Tewksbury
Calkins	Hanrahan	J. W. Miller	Vedder
T. C. Campbell	Hauschel	Oakley	Waehner

T. J. Campbell	Hess	Page	Wenzel
Clark	Hinckley	Peck	West
Cleary	Hogan	Petty	Whitmore
Coffey	Hussey	Prince	Willis
Cole	Husted	Russell	Wurts
Costigan	Ives	Schenck	Yost
Daly	Keenan		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to the International Trust Company of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Davis	Kshinka	Scudder
Badger	Dessar	Lillybridge	Shattuck
Barkley	Edson	Lincoln	Sherwood
Beach	Ely	Mackin	Shiel
Benedict	Faulkner	McAfee	Silverman
Bennett	Fay	McGroarty	Smith
Berry	Friend	Merwin	Speaker
Bordwell	Gallagher	J. W. Miller	Stauf
Brogan	Griffin	Muller	Struble
Burtis	Hammond	Oakley	Tewksbury
Calkins	Hanrahan	Page	Vedder
T. C. Campbell	Hauschel	Peck	Vosburgh
T. J. Campbell	Hess	Petty	Waehner
Clark	Hinckley	Pope	Wenzel
Cleary	Hogan	Prince	West
Coffey	Hussey	Roscoe	Whitmore
Cole	Husted	Russell	Worth
Comstock	Ives	Schenck	Wurts
Costigan	Keenan	Schieffelin	Yost
Daly	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Oakley moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The Senate bill entitled "An act for the relief of the grandchildren of Samuel F. Pratt, deceased," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lillybridge	Sherwood
Badger	Dessar	Lincoln	Shiel
Barkley	Edson	Mackin	Silverman
Barrow	Ely	McAfee	Smith
Beach	Faulkner	McGowan	Speaker
Benedict	Friend	McGroarty	Stauf
Bennett	Gallagher	J. W. Miller	Stephens
Berry	Griffin	Muller	Struble
Bishop	Hammond	Oakley	Talmage
Bordwell	Hanrahan	O'Keefe	G. Taylor
Broas	Hauschel	Page	Tewksbury
Burtis	Hess	Petty	Vedder
Calkins	Hinckley	Pope	Vosburgh
T. C. Campbell	Hogan	Prince	Waehner
T. J. Campbell	Hussey	Ransom	Wenzel
Clark	Husted	Roscoe	West
Cleary	Ives	Russell	Whitmore
Coffey	Keenan	Schenck	Witbeck
Comstock	Kennaday	Schieffelin	Wurts
Costigan	Kirk	Scudder	Yost
Daly	Kshinka	Shattuck	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Berlin, in Chenango county,' passed April 28, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schieffelin
Badger	Decker	Krack	Schuyler
Barkley	Dessar	Kshinka	Scudder
Beach	Edson	Law	Shattuck
Benedict	Ely	Lillybridge	Sherwood
Bennett	Faulkner	Lincoln	Shiel
Berry	Fay	Mackin	Silverman
Bishop	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Speaker
Broas	Gedney	McGroarty	Stauf
Brogan	Griffin	Merwin	Struble
Brown	Hammond	J. W. Miller	Talmage
Burtis	Hanrahan	Muller	G. Taylor
Calkins	Hauschel	Oakley	Tewksbury

T. C. Campbell	Hess	O'Keefe	Vedder
T. J. Campbell,	Hinckley	Page	Waehner
Clark	Hogan	Peck	Wenzel
Cleary	Hussey	Petty	West
Coffey	Husted	Pierson	Whitmore
Cole	Ives	Prince	Willis
Comstock	W. A. Johnson	Ransom	Wurts
Costigan	Keenan	Russell	Yost
Daggett	Kennaday	Schenck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to increase the efficiency of the court of general sessions of the peace in the city and county of New York," being announced for a third reading,

By unanimous consent, on motion of Mr. Daly, said bill was amended as follows:

Section 1, line 6, engrossed bill, strike out the words "county judge," and insert "judge of the general sessions."

Section 4, lines 2 and 3, strike out the words "the same as that now provided by law for the city judge," and insert "fifteen thousand dollars per annum."

Strike out in section 5, after the word "attorneys" the remainder of section.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schenck
Badger	Decker	Kirk	Schuyler
Barkley	Dessar	Krack	Scudder
Beach	Edson	Kshinka	Shattuck
Benedict	Ely	Law	Sherwood
Bennett	Faulkner	Lillybridge	Shiel
Berry	Fay	Lincoln	Silverman
Bordwell	Friend	Mackin	Smith
Broas	Gallagher	McAfee	Speaker
Brogan	Gedney	McGowan	Stauf
Brown	Griffin	McGroarty	Struble
Burtis	Hammond	Merwin	G. Taylor
Calkins	Hanrahan	J. W. Miller	Tewksbury
T. C. Campbell	Hauschel	W. Miller	Vosburgh
T. J. Campbell	Hess	Oakley	Wachner
Clark	Hinckley	O'Keefe	Wenzel
Cleary	Hogan	Page	West
Cole	Hussey	Petty	Willis
Comstock	Husted	Pierson	Worth
Costigan	Ives	Pope	Wurts
Daggett	Keenan	Rich	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Thereupon, at 9 o'clock and 50 minutes, the House adjourned.

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FRIDAY, APRIL 23, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Selkirk.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act supplemental to chapter 550 of the Laws of 1873, entitled 'An act to extend the time for the completion of the Boston, Hartford and Erie railroad by the New York and New England Railroad Company.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on general laws.

The Senate returned the bills entitled as follows:

"An act to amend chapter 476 of the Laws of 1859, entitled 'An act to supply vacancies in the office of justices of the peace of the several towns of this State.'"

"An act in relation to the general terms of the supreme court in the third judicial department."

"An act to amend chapter 315 of the Laws of 1873, entitled 'An act to amend an act entitled An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county,' passed March 26, 1873."

"An act further to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

On motion of Mr. Oakley, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend chapter 945 of the Laws of 1867, entitled 'An act to regulate the use of certain slips, piers and wharves on the East river in the city of New York,' passed May 23, 1867," and that the same be ordered to a third reading.



By unanimous consent,

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Petty, Int. No. 864, entitled "An act releasing the interest of the State in certain lands of which Mary Ann Thompson died possessed to Christopher G. Mason," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Petty, and by unanimous consent, the committee of the whole was discharged from the consideration of said bill, and the same was ordered printed and to a third reading.

By unanimous consent,

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Oakley, Int. No. 946, entitled "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. G. Taylor, Int. No. 1000, entitled "An act to release the interest of the people of the State of New York in the real estate of which Patrick Lynch, late of the city of Rochester, died seized," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. G. Taylor, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same ordered printed and to a third reading.

By unanimous consent,

Mr. Edson, from the committee on petitions of aliens, to which was referred the Senate bill introduced by Mr. Ledwith, Int. No. 143, entitled "An act to release the right, title and interest of the people of the State of New York in and to certain real estate of which James Gillen died seized, to Elizabeth Ryall, late widow of the said James Gillen, deceased, and now wife of Christopher Ryall," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

The Senate returned the bill entitled "An act to amend chapter 315 of the Laws of 1873, entitled 'An act to amend the Revised Statutes in relation to laying out of public roads and of the alteration thereof,' with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 19, strike out the words "twenty-four" and insert the word "fifteen." Strike out all after the word "jury" in line 28, down to and including the word "list" in line 32.

Section 2, line 3, strike out the word "thirteen" and insert the word "twelve."

Strike out section 3 and insert as section 3 the following:

"§ 3. Section 5 of said act is hereby amended so as to read as follows:

"§ 5. Such jury shall then personally examine the route of such highway, and shall hear any reasons that may be offered for or against such proposed road or alteration. If twelve or more of the number thereof shall be of opinion that such highway or alteration of a highway is

necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways of the town, but if such a number thereof should not certify that such road or alteration is necessary, then no application for such road or alteration shall be made again in one year."

Add as section 4 the following:

"§ 4. Section 7 of said act is hereby amended so as to read as follows:

"§ 7. If twelve of such freeholders shall make a certificate that such highway or alteration is necessary and proper, then the fees of officers and jurors paid by such applicant shall be a charge against such town in favor of such applicant."

Amend the title by adding at the end thereof the words "passed April 28, 1873."

The amendments having been read,

Mr. Hinckley moved that the House do non-concur in the same, and that a committee of conference be appointed thereon, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Speaker appointed Messrs. Hinckley, Hogan, Cole, Wurts and Hussey as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

By unanimous consent,

Mr. Schuyler, from the committee on banks, to which was referred the bill introduced by Mr. McAfee, Int. No. 1003, entitled "An act to authorize the reduction of the capital stock of the New York Loan and Indemity Company in the city of New York, and to change its corporate name," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, on motion of Mr. Hinckley,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 345, relating to the Chautauqua Lake Camp Meeting Association, and that the same be ordered to a third reading.

On motion of Mr. Kirk, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to dispose of the surplus lands known as the Seamen's Retreat, in the county of Richmond, and for the payment of the debt of the Seamen's Fund and Retreat of the city of New York," and the same ordered to a third reading.

On motion of Mr. Pierson, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act relating to the consolidation of certain railroad companies," and the same ordered to a third reading.

On motion of Mr. Hanrahan, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to revise the charter of the city of Buffalo, passed April 28, 1870, amended April 25, 1871, amended January 12, 1872, amended May 22, 1872," and the same ordered to a third reading.

On motion of Mr. Sherwood, and by unanimous consent, the committee on affairs of cities was discharged from the further consideration of

the Senate bill entitled "An act to amend an act to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park in or outside of the city of Binghamton and lay out the same, passed April 6, 1874," and the same was substituted for Assembly bill of same title, and the committee of the whole was discharged from the further consideration of said bill, and the same was ordered to a third reading.

On motion of Mr. Ransom, and by unanimous consent the committee of the whole was discharged from the further consideration of the bill entitled "An act to incorporate the Rescue Hook and Ladder Company of Tonawanda, Erie county New York," and the same was ordered engrossed and to a third reading.

On motion of Mr. Prince, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to incorporate the New York Cheap Transportation Association," and the same was ordered engrossed and to a third reading.

The Senate returned the bill entitled "An act to authorize the religious society in the city of New York known as the Tempel Bethel, to buy and hold land for cemetery purposes," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 8, change "Bethel" to "Beth-El."

Amend the title by changing "Bethel" to "Beth-El."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Sanford
Barkley	Edson	Krack	Schenck
Beach	Ely	Lawson	Schieffelin
Beardsley	Farrar	Lewis	Schuyler
Bennett	Friend	Lincoln	Seward
Berry	Gallagher	Mackin	Sherwood
Bishop	Gedney	McAfee	Shiel
Bowen	Griffin	McGowan	Speaker
Brogan	Hanrahan	Merwin	Stauf
Burtis	Hepburn	Muller	Struble
Calkins	Hess	Oakley	Talmage
T. C. Campbell	Hinckley	O'Keefe	G. Taylor
T. J. Campbell	Hogan	Page	Vedder
Clark	Hussey	Peck	Vosburgh
Cole	Husted	Petty	Wellington
Comstock	Ives	Prince	Wenzel
Costigan	W. Johnson	Ransom	Willis
Daggett	W. A. Johnson	Rich	Wurts
Daly	Keenan	Russell	Yost
Davis	Kennaday		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

By unanimous consent, Mr. Krack introduced a bill entitled "An act to authorize facilities for crossing the Hudson river when frozen over between the city of Kingston, in the county of Ulster, and the town of Rhinebeck, in the county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Schenck introduced a bill entitled "An act to repeal chapter 138 of the Laws of 1869, entitled 'An act to amend an act confirming certain proceedings of the board of supervisors of Montgomery county, and in relation to the support of the poor of said county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Comstock introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Comstock, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent, Mr. Friend introduced a bill entitled "An act to amend chapter 807 of the Laws of 1873, concerning notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. G. Taylor introduced a bill entitled "An act to appoint commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building to be used as such thereon, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on general laws.

By unanimous consent, Mr. Beardsley introduced a bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Beardsley offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That article 5 of the Constitution be amended so as to read as follows:

"SECTION 1. There shall be a board of managers of prisons, to be composed of five persons, appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years. The board shall have the charge and superintendence of the State prisons, and shall have such powers and perform such duties in respect to the county jails, the local or district penitentiaries and other penal or reformatory institutions as the Legislature may prescribe. The board shall appoint a secretary, who shall be removable at their pleasure, who shall perform such duties as the Legislature or the board may direct. The compensation of the members of the board and of the secretary shall be determined by the Legislature.

"§ 2. Such board shall appoint the superintendent (or chief officer), the clerk, physician and chaplain of each State prison, and shall have power to remove either of such officers for cause only, after opportunity to be heard in his own defense, upon written charges. All other officers of each prison shall be appointed by the superintendent (or chief officer) thereof, and shall be removable at his pleasure."

This amendment is in lieu of section 4.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

The Senate returned the bill entitled "An act in relation to coroners' fees and post mortem examinations in Erie county," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 2, strike out the words "have power to" and insert the words "at its next annual meeting, and from time to time thereafter."

Line 3, strike out the words "from time to time."

Line 7, after the word "coroner" insert the words "residing in the city of Buffalo at the time of his election and during his term of office."

Line 8, strike out the words "one thousand five hundred" and insert the words "two thousand."

Line 9, after the words "per annum" insert the words "and not exceeding two in number, and of any coroner not residing in the city of Buffalo at the time of his election shall not exceed the sum of five hundred dollars per annum, which compensation shall not be increased during the term of office of such coroner."

Section 3, line 9, strike out the words "serve them" and insert the words "make such examination."

Section 4, lines 5 and 6, strike out the words "and legalized until further action of the board of supervisors of said county."

Line 2, after the word "to" insert the words "the salaries of the coroners of said county, so far as applicable to the present year and to."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	W. Johnson	Russell
Badger	Daly	W. A. Johnson	Sanford
Barkley	Decker	Kennaday	Schieffelin
Beach	Dessar	Kirk	Schuyler
Beardsley	Edson	Krack	Seward
Benedict	Ely	Lawson	Sherwood
Berry	Farrar	Lewis	Shiel
Bishop	Fay	Lillybridge	Silverman
Bordwell	Friend	Lincoln	Smith
Braman	Gallagher	Mackin	Speaker
Brous	Griffin	McAfee	Struble
Brogan	Hanrahan	McGowan	G. Taylor
Burtis	Hauschel	McGroarty	W. F. Taylor

Calkins	Hepburn	Muller	Tewksbury
T. C. Campbell	Hess	Oakley	Vedder
T. J. Campbell	Hinckley	Page	Vosburgh
Christopher	Hogan	Peck	Waehner
Clark	Houghton	Petty	Wellington
Cleary	Hussey	Prince	Willis
Comstock	Husted	Ransom	Witbeck
Cooke	Ives	Rich	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate bill entitled "An act authorizing the common council of the city of Buffalo to make re-assessments to defray the expenses of certain local improvements in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawson	Seward
Beach	Farrar	Lewis	Shattuck
Beardsley	Fay	Lillybridge	Sherwood
Benedict	Friend	Lincoln	Shiel
Berry	Gallagher	Mackin	Silverman
Bordwell	Griffin	McAfee	Slingerland
Braman	Hammond	McGowan	Smith
Brogan	Hanrahan	McGroarty	Stacy
Burtis	Hauschel	Merwin	Struble
Calkins	Hepburn	J. W. Miller	G. Taylor
T. C. Campbell	Hess	Muller	Tewksbury
T. J. Campbell	Hinckley	Oakley	Tremain
Christopher	Hogan	O'Keefe	Vedder
Clark	Hussey	Peck	Vosburgh
Cleary	Husted	Petty	Waehner
Coffey	Ives	Prince	Wellington
Comstock	W. Johnson	Ransom	Wenzel
Cooke	W. A. Johnson	Rich	West
Costigan	Keenan	Roscoe	Whitmore
Daly	Kennaday	Sanford	Willis
Decker	Kirk	Schenck	Wurts
Dessar	Krack	Schuyler	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to confirm the title of the Associate Congregation of Bovina to its real and personal estate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cooke	W. A. Johnson	Schenck
Badger	Costigan	Keenan	Schieffelin
Barkley	Daggett	Kennaday	Schuyler
Barrow	Decker	Krack	Shattuck
Beach	Edson	Kshinka	Sherwood
Beardsley	Ely	Lawson	Shiel
Benedict	Fay	Lillybridge	Smith
Berry	Friend	Lincoln	Stephens
Bishop	Gallagher	Mackin	Struble
Braman	Gedney	McGowan	Talmage
Broas	Griffin	McGroarty	G. Taylor
Brogan	Hammond	J. W. Miller	W. F. Taylor
Burtis	Hanrahan	Oakley	Vedder
Calkins	Hauschel	O'Keefe	Waehner
T. C. Campbell	Hinckley	Peck	Wenzel
T. J. Campbell	Hogan	Petty	West
Christopher	Houghton	Ransom	Willis
Clark	Hussey	Rich	Worth
Cleary	Husted	Russell	Wurts
Cole	W. Johnson	Sanford	Yest
Comstock			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend section 1 of chapter 702 of the Laws of 1872, entitled 'An act to improve and regulate the use of the Fourth avenue in the city of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Keenan	Russell
Barkley	Dessar	Kirk	Sanford
Beach	Edson	Krack	Schenck
Benedict	Ely	Kshinka	Schuyler
Bennett	Farrar	Lawson	Seward
Berry	Fay	Lillybridge	Shattuck
Bishop	Friend	Lincoln	Sherwood
Bordwell	Gallagher	Mackin	Shiel
Braman	Green	McAfee	Silverman
Broas	Griffin	McGowan	Smith
Brown	Hammond	McGroarty	Stauf
Calkins	Hanrahan	J. W. Miller	Talmage
T. C. Campbell	Hauschel	Muller	G. Taylor
T. J. Campbell	Hepburn	Oakley	Tewksbury
Christopher	Hess	O'Keefe	Vedder



Clark	Hinckley	Page	Vosburgh
Cleary	Hogan	Peck	Wellington
Coffey	Houghton	Pierson	West
Cole	Husted	Prince	Whitmore
Comstock	Ives	Ransom	Willis
Costigan	W. Johnson	Rich	Wurts
Daly.	W. A. Johnson		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide means for the establishment and equipment of the building erected on that portion of the Central park formerly known as Manhattan square, in the city of New York, under the provisions of chapter 290, Laws of 1871, for the purpose of a museum of natural history," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 2 }

Those who voted in the affirmative, were

Barkley	Daly	Keenan	Rich
Beach	Decker	Kennaday	Russell
Beardsley	Edson	Kirk	Sanford
Bennett	Ely	Krack	Schenck
Berry	Farrar	Kshinka	Schieffelin
Bishop	Fish	Lawson	Seward
Bordwell	Friend	Lillybridge	Shattuck
Braman	Gallagher	Lincoln	Sherwood
Broas	Gedney	McAfee	Shiel
Brown	Griffin	McGowan	Smith
Calkins	Hammond	McGroarty	Stephens
T. C. Campbell	Hanrahan	J. W. Miller	Struble
T. J. Campbell	Hauschel	Muller	Talmage
Christopher	Hepburn	Oakley	G. Taylor
Clark	Hess	O'Keefe	Vedder
Cleary	Hinckley	Page	Vosburgh
Coffey	Hogan	Petty	Waehner
Comstock	Husted	Pope	Wenzel
Cooke	Ives	Prince	Witbeck
Costigan	W. Johnson	Ransom	Yost

Those who voted in the negative, were

Davis                      West

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relative to the care and education of deaf mutes," as amended was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Sanford
Barrow	Edson	Law	Schenck
Beach	Ely	Lawson	Schuyler
Benedict	Farrar	Lewis	Seward
Bennett	Fay	Lillybridge	Sherwood
Berry	Friend	Lincoln	Shiel
Bishop	Gallagher	Mackin	Silverman
Bordwell	Gedney	McGowan	Smith
Braman	Griffin	McGroarty	Stauf
Brogan	Hammond	Merwin	Struble
Calkins	Hanrahan	J. W. Miller	G. Taylor
T. C. Campbell	Hauschel	Muller	Tremain
T. J. Campbell	Hess	Page	Vedder
Christopher	Hinckley	Peck	Vosburgh
Clark	Houghton	Pierson	Waehner
Cleary	Hussey	Prince	Wenzel
Cole	Ives	Ransom	West
Comstock	W. Johnson	Rich	Witbeck
Costigan	Kennaday	Russell	Yost
Daly	Kirk		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to confirm, reduce and levy a certain assessment for improving Morton street in the city of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Russell
Barrow	Ely	Kshinka	Sanford
Beardsley	Farrar	Law	Schenck
Benedict	Fay	Lawson	Schieffelin
Bishop	Fish	Lillybridge	Seward
Bordwell	Friend	Lincoln	Shattuck
Braman	Gedney	Mackin	Sherman
Broas	Griffin	McAfee	Sherwood
Brogan	Hammond	McGowan	Smith
Burtis	Hanrahan	McGroarty	Stacy
Calkins	Hauschel	Merwin	Stauf
T. J. Campbell	Hepburn	J. W. Miller	Struble
Christopher	Hess	Muller	Talmage
Clark	Hinckley	Oakley	G. Taylor
Cleary	Hogan	Page	W. F. Taylor

Coffey	Houghton	Peck	Tewksbury
Comstock	Hussey	Petty	Vosburgh
Cooke	Husted	Pierson	Wellington
Costigan	Ives	Prince	West
Daggett	W. A. Johnson	Ransom	Willis
Daly	Keenan	Reilly	Witbeck
Davis	Kennaday	Rich	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read requesting the return to that body of the bill entitled "An act to regulate the use of the dock and pier at the foot of Jersey street in the village of New Brighton, in Richmond county,"

Mr. Speaker put the question whether the House would grant said request, and it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the Senate.

On motion of Mr. Pierson, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the Senate bill entitled "An act to incorporate the Hornellsville fire department," and that it now have its third reading.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schenck
Beardsley	Edson	Krack	Schuyler
Bennett	Farrar	Lawrence	Scudder
Berry	Fay	Lawson	Seward
Bishop	Fish	Lewis	Shattuck
Bordwell	Friend	Lincoln	Sherwood
Braman	Gallagher	McAfee	Smith
Broas	Griffin	McGowan	Stacy
Brogan	Hammond	McGroarty	Stauf
Burtis	Hanrahan	Merwin	Struble
Calkins	Hauschel	J. W. Miller	G. Taylor
T. C. Campbell	Hess	Muller	W. F. Taylor
T. J. Campbell	Hinckley	Oakley	Tewksbury
Christopher	Hogan	Page	Tremain
Clark	Houghton	Peck	Waehner
Cleary	Hussey	Petty	Wellington
Cole	Husted	Pierson	West
Cooke	Ives	Prince	Whitmore
Costigan	W. A. Johnson	Ransom	Willis
Daggett	Keenan	Rich	Witbeck
Daly	Kennaday	Sanford	Wurts
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, on motion of Mr. Ransom,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend chapter 798 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Catholic Association of the city of Buffalo,' passed April 27, 1871," and that said bill be ordered to a third reading.

The bill entitled "An act to provide for a uniform system of paving and repaving of the streets, avenues and public places of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cooke	Husted	Rich
Badger	Daggett	Ives	Russell
Beach	Daly	W. A. Johnson	Sanford
Beardsley	Decker	Keenan	Schenck
Benedict	Dessar	Kennaday	Scudder
Berry	Edson	Krack	Seward
Bishop	Ely	Lewis	Shattuck
Bordwell	Farrar	Lillybridge	Sherwood
Braman	Fay	Lincoln	Shiel
Broas	Fish	McAfee	Smith
Brögan	Friend	McGowan	Stauf
Burtis	Gallagher	McGroarty	Struble
Calkins	Gedney	J. W. Miller	G. Taylor
T. C. Campbell	Griffin	Muller	W. F. Taylor
T. J. Campbell	Hammond	Oakley	Vedder
Christopher	Hanrahan	O'Keefe	Vosburgh
Clark	Hauschel	Peck	Waehner
Cleary	Hess	Petty	Wellington
Coffey	Hinckley	Pierson	Willis
Cole	Hogan	Prince	Witbeck
Comstock	Houghton	Ransom	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to make further provision for the payment of further expenses of the local government of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 73 }  
{ NOES 8 }

Those who voted in the affirmative, were

Alvord	Cooke	Hussey	Page
Barkley	Costigan	Husted	Peck

Beach	Daly	Ives	Pierson
Benedict	Davis	W. A. Johnson	Ransom
Bennett	Decker	Keenan	Rich
Berry	Dessar	Kennaday	Roscoe
Bordwell	Edson	Kirk	Schenck
Braman	Farrar	Krack	Scudder
Broas	Fay	Kshinka	Sherman
Brogan	Fish	Lawson	Shiel
Burtis	Gallagher	Lillybridge	Smith
Calkins	Griffin	Lincoln	Stauf
T. C. Campbell	Hammond	Mackin	Struble
T. J. Campbell	Hanrahan	McGowan	G. Taylor
Christopher	Hauschel	McGroarty	W. F. Taylor
Clark	Hess	J. W. Miller	Tewksbury
Cleary	Hinckley	Muller.	Wellington
Coffey	Hogan	Oakley	Witbeck
Cole			

Those who voted in the negative, were

Barrow	McAfee	Seward	West
Ely	Petty	Stacy	Whitmore

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Stacy moved that the House grant him leave of absence until Tuesday morning.

Debate was had thereon, when

Mr. Speaker put the question whether the House would grant said request, and it was determined in the affirmative.

By unanimous consent, Mr. Prince introduced a bill entitled "An act to amend chapter 40 of the Laws of 1872, entitled 'An act to provide for supplying the village of Flushing with pure and wholesome water,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

Also, by unanimous consent, presented a petition of merchants of New York city in favor of a reduction of tolls on canals; which was read and referred to the committee on canals.

Also, by unanimous consent, presented a petition of the Young Men and Womens' Suffrage Associations for an amendment to the Constitution; which was read and referred to the committee on the judiciary.

The Senate returned the bill entitled as follows:

"An act to authorize the religious society in the city of New York known as the Temple Beth-El to buy and hold land for cemetery purposes."

*Ordered*, That the Clerk deliver said bill to the Governor.

Leave of absence was granted to Messrs. Green, Roscoe, Schuyler, W. F. Taylor, West, Berry, Merwin, Willis, Comstock, Friend, Daly, Benedict and Fream until Monday evening.

Mr. T. J. Campbell moved to lay the present order of business on the table for the purpose of taking up the order of business, "consideration of general orders."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Hauschel introduced a bill entitled "An act to provide for the construction and maintenance of two additional public baths in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for assessing and collecting the cost of lands taken for Prospect park in the city of Brooklyn."

"An act supplementary to an act entitled 'An act to incorporate the Manhattan Loan and Trust Company of the city of New York,' passed June 26, 1873."

"An act to amend the charter of the American Institute of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Farrar, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Talmage, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

Mr. Farrar, from said committee, also reported in favor of the passage of said second and third mentioned bills, with amendments; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Alvord moved to lay the present order of business on the table for the purpose of taking up the reports of committees.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Smith, from a committee of conference, submitted the following report:

The committee of conference on the bill entitled "An act to incorporate the Twelfth Ward Savings Bank in the city of New York," respectfully report that they have met and considered the several matters in difference so referred to them, and have agreed to recommend as follows:

That the Senate agree to the amendments proposed by the Assembly to the following sections of the engrossed bill, namely, sections 1, 7, 11, 12, 14, 18, 20 and 23. The section proposed as 21, change the numbering of section 21 to 22, and the subsequent sections to the end of the bill. And that the Assembly recede from the other amendment proposed by it.

JACOB A. GROSS,  
JAMES W. BOOTH,  
A. J. WILLMAN,  
*Senate Committee.*

JOHN W. SMITH,  
MICHAEL COFFEY,  
F. W. VOSBURGH,  
CHARLES REILLY,  
THOS. C. CAMPBELL,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
 { NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kshinka	Sherwood
Barkley	Davis	Mackin	Shiel
Beach	Edson	McGowan	Smith
Beardsley	Farrar	McGroarty	Speaker
Benedict	Faulkner	J. W. Miller	Stauf
Bennett	Fay	Muller	Stephens
Berry	Fish	Oakley	Struble
Bishop	Gallagher	O'Keefe	Talmage
Bordwell	Gedney	Peck	G. Taylor
Braman	Griffin	Petty	W. F. Taylor
Broas	Hammond	Pierson	Tewksbury
Brogan	Hanrahan	Prince	Tremain
Burtis	Hauschel	Reilly	Vedder
Calkins	Hess	Rich	Vosburgh
T. J. Campbell	Hogan	Russell	Wellington
Christopher	Houghton	Sanford	Wenzel
Clark	Ives	Schenck	Whitmore
Coffey	W. A. Johnson	Scudder	Willis
Cole	Keenan	Seward	Witbeck
Comstock	Kennaday	Shattuck	Wurts
Cooke	Kirk	Sherman	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Lawson, Int. No. 380, entitled "An act authorizing the city of Buffalo to take certain lands for a public park, and to provide for the payment thereof," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Beardsley, Int. No. , entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gallagher, Int. No. 727, entitled "An act to amend an act entitled 'An act to amend the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hauschel, Int. No. 1013, entitled "An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was



referred the bill introduced by Mr. Petty, Int. No. 48, entitled "An act to enable John L. Ireland to acquire title to a portion of South Fifth avenue in the city of New York, and to discontinue that portion of said avenue," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. McGroarty called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to legalize the acts of the several boards of health in the towns of Kings county, and in the towns of Newtown, Flushing and Jamaica, in the county of Queens."

Senate, "An act for the incorporation of societies or clubs for certain lawful purposes."

"An act relating to armories in the city of New York."

"An act to amend chapter 181 of the Laws of 1872, entitled 'An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto.' With the following amendments:

Strike out in line 1, section 1, engrossed bill, the word "five" and insert the word "six."

Strike out in same line the words "an act" and insert the words "chapter 181 of the Laws of 1872."

Strike out in lines 5 and 6 of same section, the words "passed April 6, 1872."

In line 7, change "5" to "6."

Amend the title so as to read, "An act to amend chapter 181 of the Laws of 1872, entitled 'An act for the better prevention of the procurement of abortions, and other like offenses, and to amend the laws relative thereto.'"

Senate, "An act to change the name of the village of Potsdam Junction, in the town of Potsdam, in the county of St. Lawrence, to Norwood."

"An act to authorize the erection of a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll-bridge over said outlet near Moon's Lake House."

"An act relating to the repavement of streets, avenues and highways in the city of New York heretofore paved with wood or concrete." With the following amendments:

Strike out in line 5, section 1, the word "block" and insert the words "or macadamized." Strike out in line 6 of same section the word "macadamized."

Strike out in line 7, section 2, the word "ninety" and insert the word "seventy." Strike out in line 9 of same section, the word "ten" and insert the word "thirty."

Strike out in line 9, section 4, the word "ten" and insert the word "twenty."

"An act to authorize the filling of the Chenango canal extension at the crossing of Robinson and Eldridge streets in the city of Binghamton." With the following amendments:

Strike out all of section 1 and insert the following:

"SECTION 1. The common council of the city of Binghamton, with the consent of the Canal Commissioners given in writing, may remove the decayed bridges at the crossing of Robinson and Eldridge streets, and

have the Chenango canal extension, within the limits of said city, filled with earth and graveled to the established grade of the streets of said city. Any stone or other material belonging to said bridges or canal, in said city, may be used in such manner and for such purposes as said common council shall direct, with the consent of the Canal Commissioners."

"An act providing for the disposition of excise moneys in the several towns of Orange county, except the city and town of Newburgh."

"An act to amend article 3 of title 3 of chapter 6 of part 2 of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate."

"An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company for the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke.'"

Senate, "An act for the support and maintenance of prisoners confined upon civil process."

Senate, "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870."

"An act to provide for the re-opening of a part of Bloomingdale road or Broadway, in the city of New York." With the following amendments:

Insert after the word "the" in line 1 of section 1 the words "common council of the city of New York are hereby authorized and directed to re-open the." Strike out in line 2 of same section the words "is hereby re-opened." Insert after the word "and," last occurring, in line 4 of same section, the word "also." Strike out in line 5 of same section the words "is also opened."

Amend the title so as to read "An act authorizing the common council of the city of New York to re-open a part of Bloomingdale road or Broadway, in the city of New York."

"An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county.'"

"An act to further amend chapter 138 of the Laws of 1858, entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair,' passed March 24, 1857, passed April 12, 1858."

"An act in relation to the Port road in the city of Brooklyn."

"An act to prevent fishing within three years in the waters of Lawson's and McCulloch's lake, in the county of Albany."

"An act to legalize the acts of Ensworth D. Babcock as notary public."

"An act to enlarge the jail limits of the county of Yates."

"An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water, and to protect said village and the property therein against loss by fire.'" With the following amendments:

Strike out in line 1 of section 1 the words "the act," and insert the words "chapter 54 of the Laws of 1871." Strike out in line 4 of same section the words "passed February 18, 1871."

"An act to amend section 15 of article 1 of chapter 3 of part 1 of the Revised Statutes, relative to the paying over of moneys by the collectors of taxes in the several towns of this State."

"An act to legalize the official acts of Milo S. Day, a justice of the peace of the town of Harford, Cortland county."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act to enable the mayor of the city of Albany to convey certain lands and premises on the requisition of the board of public instruction of said city," reported in favor of the passage of the same.

On motion of Mr. Braman the report was disagreed with, and said bill recommitted to the committee of the whole.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill, G. O. 376, entitled "An act to provide for the improvement of portions of Commercial street and Union place, in the city of Brooklyn," reported in favor of the passage of the same, with the following amendments:

Strike out in line 2 of section 1 the words "and directed."

Strike out in line 2 of section 2 the words "and directed."

The question being on agreeing to said report,

Mr. Coffey moved to disagree with the same, and that said bill be recommitted to the committee of the whole.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

Mr. Waehner moved that when the House adjourns it take a recess until 4 o'clock, and continue in session until 7 o'clock for the consideration of general orders only.

Mr. Dessar moved to amend so that the House adjourn until Monday evening at 7½ o'clock.

Mr. Lincoln moved to amend so that the House meet again to-day at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Lincoln, and it was determined in the negative.

Mr. Waehner moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Dessar, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to reorganize the village of Canajoharie."

"An act for the protection of fish in Hoffman pond, in Claverack, Columbia county; also, in Round lake, Saratoga county."

"An act to authorize the lighting of public streets and avenues in the town of Fishkill, county of Dutchess."

"An act to amend section 9 of chapter 423 of the Laws of 1853,

entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to amend section 1, section 4 and section 21, of chapter 34 of the Laws of 1858, entitled 'An act to make school district No. 9, in the town of Pomfret, a union free school district.'"

"An act to authorize the trustees of the village of Salem, Washington county, New York, to raise by tax upon the village a sum of money for the purpose of procuring a steam fire engine and apparatus, and digging fire wells for the fire department in said village.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to amend chapter 399 of the Laws of 1874, entitled 'An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year 1874, for the construction of new work upon and extraordinary repairs of the canals of this State,' passed May 9, 1874," with a message informing that they assent to a committee of conference thereon, and have appointed as such committee Messrs. Cole, McGowan and Laning.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return to the Senate of the bill entitled "An act to amend an act entitled 'An act to amend chapter 291 of the Laws of 1870, entitled An act for the incorporation of villages,' passed May 25, 1874," being Senate bill No. 146.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The hour of 2 o'clock having arrived, the House took a recess until 4 o'clock P. M.

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#### FOUR O'CLOCK.

The House again met, and resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for the removal of obstructions from the Delaware river and certain of its branches, and to make an appropriation therefor."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.'"

"An act for the better security of railroad employees for labor performed."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Struble, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Struble, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave.

Mr. Coffey moved to disagree with the report, and that said bill be recommitted to the committee on railroads.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would grant leave to said committee to sit again, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 6, 1874."

"An act to amend chapter 610 of Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

"An act to amend an act entitled 'An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company, and Rockaway Railroad Company, of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies or any two or more of them into one corporation, and also to use steam dummies,' passed May 31, 1872."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. McGroarty, from said committee, reported in favor of the passage of said first and second mentioned bills, with amendments ; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. McGroarty, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Worth moved to make said bill a special order for Wednesday morning immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act authorizing the adjudication and settlement of certain claims arising out of the defalcations of the late treasurer of Columbia county with this State and the said county."

"An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May 2, 1863."

"An act to provide for the continuance of certain suits or actions."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Brown, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Brown, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments, and the title amended by striking out the words "an act," second occurring, and inserting in lieu thereof the words "chapter of the Laws of 1863," also, by striking out all after the word "Morrisania;" which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Brown, from said committee, also reported in favor of the passage



of said third mentioned bill, with the title amended by striking out the word "certain;" which report was agreed to, and, and said bill ordered engrossed and to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh, passed April 23, 1865, and the several acts amendatory thereof, passed May 6, 1872.'"

"An act to amend an act passed April 3, 1867, entitled 'An act in relation to railroads held under lease.'"

"An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sanford, from said committee, reported in favor of the passage of said first mentioned bill, with amendments, and the title amended so as to read "An act to further amend chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh,' also to amend chapter 551 of the Laws of 1872, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh;'" which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Sanford, from said committee, also reported in favor of the passage of said second and third mentioned bills, the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Husted offered for the consideration of the House a resolution, in the words following:

*Resolved*, That Assembly bill No. 548, entitled "An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof," be made a special order for Monday evening next immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 23, 1870."

"An act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871."

"An act in relation to the cleaning of the streets, avenues, lanes, alleys, places, wharves, piers and heads of slips in the city of New York, and the removal of ashes, garbage, rubbish and sweepings therefrom, and for the creation of a department to be known and entitled 'The department of street cleaning of the city of New York,' the head of which shall be known and entitled 'The Commissioner of Street Cleaning,' who shall take charge of and perform said work, and to secure a more effectual state of cleanliness and a better sanitary condition of the streets of said city than has heretofore existed."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Oakley, from said committee, reported in favor of the passage

of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Oakley, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Oakley, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. T. J. Campbell, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend the charter of the Arctic Fire Insurance Company in the city of New York, and to correct an act amending said charter, passed February 26, 1873."

Senate, "An act to amend an act entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' passed April 6, 1871."

"An act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company and the American Tontine Life Insurance Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered to a third reading.

Mr. Alvord, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

Mr. T. C. Campbell moved that when the House adjourns to-day it adjourn to meet on Monday evening at half-past seven o'clock.

Mr. Ely moved to amend by striking out all after the word "on" and inserting in lieu thereof the words "to-morrow at the usual hour."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Ely, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the board of commissioners of emigration to mortgage the lands of the State on Ward's Island, and to extinguish the liabilities against the said board."

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

Senate, "An act to amend title 2, chapter 10, part 3 of the Revised Statutes, entitled 'Of security for the payment of costs.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Prince, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.



Mr. T. C. Campbell moved that said bill be made a special order for Thursday evening next.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prince, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Sherman, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

Mr. Prince, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Waehner, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

On motion of Mr. T. J. Campbell, at 6 o'clock and 55 minutes, the House adjourned.

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### MONDAY, APRIL 26, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Samuel E. Smith.

The reading of the journal of Friday, the 23d inst., was dispensed with.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to regulate the use of slips, wharves and piers in the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled as follows:

"An act in relation to coroners' fees and post mortem examinations in Erie county."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bill entitled as follows:

"An act to authorize the president and trustees of the village of West Troy to issue village bonds for the purpose of providing water for public use in said village, and to provide for the payment of the same and the interest thereon."

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize William Hilliker to establish and maintain a ferry across the Cayuga lake at Cayuga Bridge,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the board of police of the city of New York to grant new trials," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to carry into effect the command of section 7 of article 10 of the Constitution by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the authority of the supreme court in proceedings by writ of mandamus, to correct errors in the determination of boards of county canvassers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on federal relations.

"An act in relation to the marine court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866."

"An act to alter the map or plan of the city of New York by extending Lafayette place."

"An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813."

"An act in relation to the benevolent fund of the late volunteer fire department of the late town of Morrisania, now the twenty-third ward of the city of New York."

"An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn,' passed May 20, 1874."

"An act to amend an act entitled 'An act to authorize William Hilliker to establish and maintain a ferry across the Cayuga lake, at Cayuga Bridge,' passed April 20, 1871."

"An act to further amend the charter of the village of Delhi."

"An act to amend an act entitled 'An act in relation to assessing the cost of sewers in the city of Brooklyn,' passed June 13, 1873."

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874."

Senate, "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 18, 1855."

Senate, "An act to amend an act entitled 'An act revising and amending an act entitled An act to incorporate the village of Ulster, passed April 10, 1855, as amended by chapter 847 of the Laws of 1866,' passed April 28, 1866."

Senate, "An act to amend an act entitled 'An act to incorporate the Evangelical Lutheran Synod of the State of New York,' passed April 29, 1868."

Senate, "An act to amend an act entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and supplementary thereto,' passed March 29, 1875."

Senate, "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof."

Senate, "An act to amend the act entitled 'An act to provide for supplying the city of Hudson with pure and wholesome water,' passed May 7, 1873."

Senate, "An act to release the right, title and interest of the people of the State of New York in and to certain real estate of which James Gillen died seized, to Elizabeth Ryall, late widow of the said James Gillen, deceased, and now wife of Christopher Ryall."

Senate, "An act authorizing the common council of the city of Poughkeepsie to sell and convey certain real estate owned by said city."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

The Clerk of the House submitted the following report:

*To the Assembly:*

Pursuant to a resolution adopted March 28, directing the Clerk to search the files of the Assembly for the purpose of ascertaining whether the missing testimony taken before a committee of the Assembly of 1874 in the investigation of the street cleaning in New York city is among the papers on file, I have carefully examined the papers and documents on file in the Clerk's department, but have been unable to find any portion of the missing testimony.

It appears that all the testimony taken on March 2d, 8th, 10th, 15th and 16th, of 1874, is missing, or five days in all, together with some of the tabular statements. The stenographer of the committee states that he furnished the committee with a copy of all the evidence taken, and it is clear that the Clerk of the last Assembly sent to the printers all the testimony that was sent to the Clerk's desk by the committee, and that all the evidence taken by the committee on the five days alluded to mysteriously disappeared between the time that it was furnished to the committee by the stenographer and the report by the committee to the Assembly, leaving the document now in the hands of the printers incomplete and minus some of the most important testimony.

The stenographer of the committee informs me that he has the original stenographic notes, and can furnish a copy if requested and provision is made for payment for making the copy.

All of which is respectfully submitted.

HIRAM CALKINS, *Clerk.*

Mr. Hammond offered for the consideration of the House a resolution, in the words following :

*Resolved*, That the stenographer of the committee which investigated the matter of street cleaning in New York city in 1874, be and is hereby requested to furnish a copy of the missing testimony, and that the Comptroller be and is hereby authorized to pay said stenographer from the contingent fund what in his opinion shall be a suitable compensation for making a copy from the stenographer's notes.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Page, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return of Assembly bill No. 81, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1875," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. J. W. Miller, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the relief of Wheeler H. Bristol," and that the same be ordered engrossed and to a third reading.

Mr. T. J. Campbell offered for the consideration of the House a resolution, in the words following :

*Resolved*, That the bill entitled "An act to prevent the commission of frauds in the purchase and sale of real estate," be referred to the subcommittee of the whole.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Benedict moved that the bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Sehuyler moved that the bill entitled "An act for the better security of railroad employees for labor performed," be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Costigan, the privileges of the floor were extended to Hon. Richard Flanagan.

By unanimous consent, on motion of Mr. Daly,

*Whereas*, The committee designated by resolution of this House to

inquire into the alleged tampering with the files of this House relative to the Fifth avenue bill; and,

*Whereas*, The said investigation necessitates the employment of a stenographer; therefore,

*Resolved*, That the appointment of a stenographer by that committee be and the same is hereby authorized.

By unanimous consent,

Mr. Hammond, from the committee on ways and means, to which was referred the Senate bill, Int. No. 315, entitled "An act to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Husted, and by unanimous consent,

*Resolved*, That the Board of Canal Commissioners be requested to report to the Assembly as soon as practicable the number of notices of proposals for canal contracts which have been advertised in newspapers since January 1, 1875, with a copy of each notice, and the names and location of each newspaper in which each such notice has been printed, and the amount paid to each paper for the publication of said notice.

The Senate returned the resolution requesting the return from the Governor for amendment of the Assembly bill No. 81, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing the first day of October, 1875," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof."

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lillybridge, from said committee, reported that pending the division of a question it appeared that no quorum was present.

Mr. Speaker ordered a call of the roll.

The roll was then called, and the following members answered to their names:

Alvord	Friend	McAfee	Sherwood
Barkley	Gallagher	McGowan	Shiel
Beardsley	Green	Merwin	Silverman
Benedict	Griffin	J. W. Miller	Slingerland
Berry	Hammond	W. Miller	Smith
Bishop	Hanrahan	O'Keefe	Speaker
Bordwell	Hauschel	Page	Stauf
Braman	Hepburn	Peck	Stephens
Brown	Hinckley	Petty	Struble
Burtis	Hogan	Pope	G. Taylor
Calkins	Holmes	Ransom	W. F. Taylor
T. J. Campbell	Hussey	Roscoe	Tremain

Christopher	Husted	Russell	Vedder
Clark	Kirk	Sanford	Vosburgh
Coffey	Krack	Schenck	Waehner
Costigan	Kshinka	Schieffelin	Wellington
Daly	Lawrence	Schuyler	West
Decker	Lewis	Scudder	Whitmore
Ely	Lillybridge	Seward	Willis
Faulkner	Lincoln	Shattuck	Wurts
Fay			

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The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof."

"An act for the better security of railroad employees for labor performed."

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lillybridge, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Lillybridge, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Benedict, the committee of the whole was discharged from the further consideration of said bill, and the same recommitted to the committee on the judiciary, retaining its place on general orders.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

The Senate bill entitled "An act to amend the charter of the Arctic Fire Insurance Company in the city of New York, and to correct an act amending said charter, passed February 26, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Scudder
Barkley	Decker	Lawrence	Seward
Beardsley	Ely	Lillybridge	Shattuck
Benedict	Faulkner	McAfee	Sherwood
Berry	Fay	McGowan	Shiel
Bishop	Fish	Merwin	Silverman
Bordwell	Friend	J. W. Miller	Slingerland
Braman	Green	O'Keefe	Smith



Burtis	Griffin	Page	Speaker
Calkins	Hammond	Peck	Stauf
T. C. Campbell	Hanrahan	Petty	Struble
T. J. Campbell	Hauschel	Pierson	G. Taylor
Christopher	Hinckley	Pope	W. F. Taylor
Clark	Hogan	Rich	Tremain
Cleary	Holmes	Roscoe	West
Coffey	Husted	Russell	Whitmore
Cole	Kirk	Schenck	Willis
Costigan	Krack	Schieffelin	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act relative to the incorporation of musical colleges, schools and academies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kshinka	Schieffelin
Barkley	Daly	Lawrence	Scudder
Beardsley	Decker	Lillybridge	Seward
Benedict	Ely	McAfee	Shattuck
Berry	Faulkner	McGowan	Sherwood
Bishop	Fay	Merwin	Shiel
Bordwell	Fish	J. W. Miller	Silverman
Braman	Friend	W. Miller	Slingerland
Brown	Green	O'Keefe	Smith
Burtis	Griffin	Page	Speaker
Calkins	Hanrahan	Peck	Stauf
T. C. Campbell	Hauschel	Petty	Struble
T. J. Campbell	Hinckley	Pierson	G. Taylor
Christopher	Hogan	Pope	W. F. Taylor
Clark	Holmes	Rich	Tremain
Cleary	Hussey	Roscoe	Whitmore
Coffey	Kirk	Russell	Willis
Cole	Krack	Schenck	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act relative to the Farmers' Loan and Trust Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Cole	Hussey	Scudder
Barkley	Costigan	Kirk	Seward



Beardsley	Decker	Lawrence	Shattuck
Benedict	Faulkner	Lillybridge	Sherwood
Berry	Fay	McAfee	Shiel
Bishop	Fish	McGowan	Silverman
Bordwell	Friend	J. W. Miller	Smith
Braman	Green	O'Keefe	Speaker
Brown	Griffin	Page	Stauf
Burtis	Haminond	Peck	Struble
Calkins	Hanrahan	Pierson	G. Taylor
T. C. Campbell	Hauschel	Pope	W. F. Taylor
T. J. Campbell	Hinckley	Rich	Tremain
Christopher	Hogan	Roscoe	Whitmore
Clark	Holmes	Schenck	Willis
Cleary	Krack	Scudder	Wurts
Daly	Kshinka	Seward	

For the negative,

Schieffelin

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act in relation to the St. Regis tribe of Indians in the county of Franklin," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 68 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Russell
Barkley	Decker	Krack	Schenok
Beardsley	Ely	Kshinka	Schieffelin
Benedict	Faulkner	Lawrence	Scudder
Berry	Fay	Lillybridge	Seward
Bordwell	Fish	McAfee	Shattuck
Braman	Friend	McGowan	Sherwood
Brown	Green	Merwin	Shiel
Burtis	Griffin	J. W. Miller	Silverman
Calkins	Hanrahan	O'Keefe	Smith
T. C. Campbell	Hauschel	Page	Speaker
T. J. Campbell	Hinckley	Peck	Stauf
Christopher	Hogan	Petty	Struble
Clark	Holmes	Pierson	G. Taylor
Cleary	Hussey	Pope	W. F. Taylor
Cole	Husted	Rich	Whitmore
Costigan	Ives	Roscoe	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize the New York and Hudson Steamboat Company to mortgage its property," was read a third time.

Mr. Speaker put the question whether the House would agree to

the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cole	Hussey	Schenck
Barkley	Costigan	Ives	Soudder
Beardsley	Daly	Kirk	Shattuok
Benedict	Decker	Krack	Sherwood
Berry	Ely	Kshinka	Shiel
Bishop	Faulkner	Lillybridge	Slingerland
Bordwell	Fay	McAfee	Smith
Bowen	Fish	McGowan	Speaker
Braman	Friend	J. W. Miller	Stauf
Brown	Green	O'Keefe	Struble
Burtis	Griffin	Page	G. Taylor
Calkins	Hammond	Peck	W. F. Taylor
T. C. Campbell	Hanrahan	Petty	Tremain
T. J. Campbell	Hauschel	Pierson	Whitmore
Christopher	Hinckley	Pope	Willis
Clark	Hogan	Rich	Wurts
Cleary	Holmes	Russell	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. T. J. Campbell, at 10 o'clock the House adjourned.

## TUESDAY, APRIL 27, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

By unanimous consent, Mr. Holmes introduced a bill entitled "An act to authorize the trustees of the village of Norwich, Chenango county, to buy real estate and erect a building thereon for the use of the fire department of said village and for a village hall," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Holmes, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent, Mr. Bennett introduced a bill entitled "An act providing for the appointment of marshals in the annexed district in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bennett, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. T. C. Campbell moved to lay the special order on the table for the purpose of taking up the order of business, introduction of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Mackin introduced a bill entitled "An act concerning the election of directors in railroad companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Gallagher introduced a bill entitled "An act authorizing the city of Buffalo to convey to adjacent land owners lands lying within the limits of certain streets, located in the south village of Black Rock, whenever any such street shall be discontinued or contracted," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Gallagher, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Stauf introduced a bill entitled "An act to amend chapter 501 of Laws of 1860, entitled 'An act to preserve the public peace and order on the first day of the week, commonly called Sunday,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Daly introduced a bill entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Reilly introduced a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Speaker introduced a bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed and to a third reading.

Also, a bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street and for other purposes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Prince introduced a bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and territories,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Hogan introduced a bill entitled "An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons of this State, and to report thereon, and also such laws as they may deem proper for the better regulation and discipline of said prisons, to the Legislature of this State," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Pierson introduced a bill entitled "An act to provide for holding the annual elections in the village of Hornellsville at the lock-up in said village, and to limit the number of trustees of said village to five," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pierson, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Griffin introduced a bill entitled "An act to amend an act entitled 'An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year 1874, for the construction of new work upon and extraordinary repairs of the canals of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Shiel introduced a bill entitled "An act to extend and continue Webster avenue through Woodlawn cemetery, in the twenty-fourth ward of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Also, a bill entitled "An act to provide for the construction of sewers in the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Shiel, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. Bowen introduced a bill entitled "An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bowen, and by unanimous consent, said bill was ordered printed, and to a third reading.

Also, a bill entitled "An act to declare a road in Clinton county a public highway," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bowen, and by unanimous consent, said bill was ordered printed and to a third reading.

Mr. T. J. Campbell introduced a bill entitled "An act to regulate pilotage for the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Dessar introduced a bill entitled "An act concerning the levy and sale of bills, drafts, notes or bank checks upon execution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McGroarty introduced a bill entitled "An act for the relief and support of the poor of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act passed April 17, 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Schuyler, from the committee on banks, to which was referred the bill introduced by Mr. Kennaday, Int. No. 821, entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws 1874, may commence the transaction of its business," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Leave of absence was granted to Mr. Yost indefinitely.

Pursuant to a resolution of the Senate and Assembly, the Governor returned the bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1875," for amendment.

Mr. Page moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Lawrence	Schenck
Barkley	Decker	Lawson	Schieffelin
Beach	Dessar	Lillybridge	Schuyler
Beardsley	Edson	Lincoln	Soudder
Bennett	Farrar	Mackin	Shattuck
Berry	Faulkner	McAfee	Sherwood
Bishop	Fish	McGroarty	Shiel
Bordwell	Friend	Merwin	Silverman
Bowen	Gallagher	J. W. Miller	Smith
Bradley	Green	O'Keefe	Speaker
Brown	Griffin	Page	Struble
Burtis	Hanrahan	Peck	Talmage
Calkins	Hinckley	Petty	G. Taylor
T. C. Campbell	Hogan	Pierson	W. F. Taylor
T. J. Campbell	Hussey	Prince	Vedder
Coffey	Ives	Rich	Wellington
Comstock	W. A. Johnson	Roscoe	Wenzel
Cooke	Kirk	Russell	West
Costigan	Kshinka	Sanford	Witbeck
Daggett			

On motion of Mr. Page, and by unanimous consent, said bill was amended by striking out in lines 12 and 13 of engrossed bill the words "four hundred and nine," and inserting in lieu thereof the words "two hundred and fifty-nine."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schieffelin
Barkley	Ely	Kshinka	Schuyler
Barrow	Farrar	Lawrence	Scudder
Beardsley	Faulkner	Lawson	Seward
Benedict	Fish	Lewis	Shattuck
Bennett	Friend	Lincoln	Sherman
Berry	Gallagher	Mackin	Sherwood
Bishop	Green	McAfee	Shiel
Bordwell	Griffin	McGowan	Silverman
Brown	Hammond	McGroarty	Smith
Bradley	Haurahan	J. W. Miller	Speaker
Brown	Hauschel	Muller	Struble
Burtis	Hinckley	O'Keefe	Talmage
Calkins	Hogan	Page	G. Taylor
T. C. Campbell	Holmes	Petty	W. F. Taylor
T. J. Campbell	Hussey	Prince	Vedder
Clark	Husted	Ransom	Wellington
Cole	Ives	Reilly	Wenzel
Daggett	W. A. Johnson	Rich	West
Daly	Keenan	Russell	Whitmore
Decker	Kennaday	Sanford	Witbeck
Dessar	Kirk	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act creating the office of inspector of public works," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause, and insert the following :

"SECTION 1. There shall be an officer known as inspector of public works, who shall be appointed and may be removed by the Governor at pleasure. Unless he is sooner removed, he shall hold his office for and during the term of the Governor by whom he is appointed.

"§ 2. It shall be the duty of such officer to inspect all works being carried on by or on account of the State, or in which the State shall be interested, and he shall report to the Governor upon all matters pertaining to his office as often as he shall be called upon by the Governor so to do, and said report, when so made, shall be filed in the Executive Department and Auditor's office, subject to inspection by any person who may desire to examine the same.

"§ 3. Such officer shall have power to inspect all such works, and to examine any book, account or paper relating thereto in the custody of any public officer or board.

"§ 4. Such officer may require the attendance of any witness before him to be examined in relation to said works, whenever in the opinion of the Governor the interest of the State requires it, and shall have power to take testimony and administer oaths; and any willful false swearing before such officer is hereby declared to be perjury; and for the purpose of compelling the attendance of witnesses before him, such inspector may issue subpoenas, to be signed by him, which shall be



served by any sheriff or constable by said officer thereunto required. Any person duly subpoenaed to attend before such officer, who shall willfully neglect to obey such subpoena, shall forfeit to the people of this State the sum of two hundred and fifty dollars, and shall be deemed guilty of a misdemeanor. Such examination shall be public, and shall be had in such place in the city or town where the work is progressing as such officer shall designate.

"§ 5. Such officer shall receive an annual compensation of five thousand dollars, payable in monthly installments out of the State treasury. He shall also be entitled to be paid his reasonable expenses actually incurred for clerk hire, compensation of experts, fees of witnesses and other incidental matters in the discharge of his duties, the account thereof to be verified by his oath and audited by the Comptroller, the objects and amounts being subject to the approval, in writing, of the Governor and Comptroller. And such inspector shall make full report of his proceedings to the Legislature on or before the 15th day of January of each year.

"§ 6. This act shall take effect immediately."

The amendment having been read,

Mr. Daly moved to non-concur in the same, and that a committee of conference be appointed thereon, and a like committee be requested on the part of the Senate.

Debate was had thereon, when

Mr. Prince moved as an amendment that the House concur in all the amendments of the Senate except that portion of the amendment that fixes the locality of the examination and hearing, and that in that portion the House non-concur.

Debate again ensued, when

Mr. Hammond moved to lay the whole matter on the table, and that the bill as amended be printed forthwith.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hammond, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Prince, and it was determined in the negative.

{ AYES 55 }  
{ NOES 58 }

Those who voted in the affirmative, were

Alvord	Daggett	Lincoln	Smith,
Barrow	Decker	McAfee	Speaker
Bennett	Farrar	Page	Stauf
Bordwell	Fay	Petty	Struble
Bowen	Gallagher	Pope	G. Taylor
Bradley	Green	Prince	W. F. Taylor
Braman	Hepburn	Ransom	Tremain
Burtis	Hess	Reilly	Vedder
Calkins	Hinckley	Rich	Waehner
T. J. Campbell	Hussey	Russell	Wellington
Clark	Husted	Sanford	Wenzel
Coffey	W. A. Johnson	Schenck	Whitmore
Cole	Keenan	Seward	Willis
Comstock	Lawson	Slingerland	



Those who voted in the negative, were

Badger	Davis	Kirk	Pierson
Barkley	Edson	Krack	Roscoe
Beach	Ely	Kshinka	Schieffelin
Beardsley	Faulkner	Lawrence	Schuyler
Benedict	Fish	Lewis	Scudder
Berry	Friend	Lillybridge	Shattuck
Bishop	Griffin	Mackin	Sherman
Broas	Hammond	McGowan	Sherwood
Brown	Hanrahan	McGroarty	Shiel
T. C. Campbell	Hauschel	Merwin	Stephens
Christopher	Hogan	J. W. Miller	Talmage
Cleary	Holmes	Muller	West
Cooke	Houghton	Oakley	Witbeck
Costigan	Ives	O'Keefe	Wurts
Daly	Kennaday		

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Daly, and it was determined in the affirmative.

{ AYES 62 }  
{ NOES 50 }

Those who voted in the affirmative, were

Badger	Costigan	Keenan	Pierson
Barkley	Daly	Kennaday	Prince
Beach	Davis	Kirk	Roscoe
Beardsley	Edson	Krack	Schieffelin
Benedict	Ely	Kshinka	Schuyler
Bennett	Faulkner	Lewis	Scudder
Berry	Fish	Mackin	Shattuck
Bishop	Friend	McGowan	Sherman
Broas	Griffin	McGroarty	Sherwood
Brown	Hammond	Merwin	Shiel
T. C. Campbell	Hanrahan	J. W. Miller	Stephens
T. J. Campbell	Hauschel	Muller	Talmage
Christopher	Hess	Oakley	W. F. Taylor
Clark	Hogan	O'Keefe	Witbeck
Cleary	Holmes	Petty	Wurts
Cooke	Ives		

Those who voted in the negative were,

Alvord	Farrar	McAfee	Smith
Barrow	Fay	Page	Stauf
Bordwell	Gallagher	Peck	Struble
Bowen	Green	Pope	G. Taylor
Bradley	Hepburn	Ransom	Tremain
Braman	Hinckley	Reilly	Vedder
Burtis	Houghton	Rich	Wachner
Calkins	Hussey	Russell	Wellington
Coffey	Husted	Sanford	Wenzel
Cole	W. A. Johnson	Schenck	West
Comstock	Lawson	Seward	Whitmore
Daggett	Lillybridge	Slingerland	Willis
Decker	Lincoln		

Mr. Speaker appointed Messrs. Daly, Schuyler, Bradley, Alvord and Husted as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the bill entitled "An act to provide for the organization and regulation of certain business corporations," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 1, strike out the word "corporations" and insert the words "any corporations that may be formed under the existing laws of this State." Lines 2 and 3, strike out the words "for the carrying on of any lawful business." Line 4, strike out the word "and" first occurring, and insert the words "the construction and operation of." Line 4, strike out the words "corporations and the operation of railroads," and insert the words "or aiding in the construction thereof."

Section 2, lines 12, 13 and 14, strike out the words "not inconsistent with the Constitution of the United States, or the Constitution or laws of this State." Add at the end of line 17 the words "and from time to time to amend the same." Line 18, after the word "hold" insert the word "and." Strike out the words "and convey." Lines 20, 21 and 22, strike out the words "the same when not required for the uses of the corporation, provided, however, that." Lines 23, 24, 25, strike out the words "unless the same be necessary and suitable for the uses and business of the corporation shall be sold."

Section 5, line 5, after the word "subscribing" insert the word "shall," and change the word "pays" to "pay." Line 7, after the word "for" insert the words "in cash."

Section 6, lines 3, 4 and 5, strike out the words "subordinate to the Constitution and laws of this State and the Constitution of the United States, such by-laws," and insert the word "and." Line 7, strike out the word "two" and insert the word "one;" change the word "years" to "year," and strike out the balance of the subdivision.

Section 7, lines 41 and 42, strike out the words "within ten days after the adoption of such amendment."

Section 9, add at the end of the section the following: "And any change of location or capital of any such corporation made during the preceding year."

Section 10, line 10, strike out the word "three" and insert the word "five." Line 12, after the word "changed" insert the words "by a meeting." Lines 12 and 13, strike out the words "in such manner as is prescribed in the by-laws, except that the consent in writing." Line 15, after the word "corporation" insert the words "and pursuant to notice specifying the purpose of such meeting, and served as provided in section five of this act."

Section 11, line 3, strike out the word "ten" and insert the word "twenty-five." Line 5, strike out the word "one" and insert the word "two." Lines 5, 6 and 7, strike out the words "exclusive of such real estate as may be necessary for the transaction of its business." Lines 8 and 9, strike out the words "and shall be payable." Line 10, strike out the words "or times." Line 25, after the word "due" insert the words "not exceeding," and strike out the words "but no penalty working a." Line 26, before the word "stock" insert the word "the;" after the word "stock" insert the word "and," and strike out the words "or

of;" change the word "amounts" to "amount," and after the word "thereon" insert the words "but no such forfeiture."

Section 13, line 3, after the word "corporation" insert the words "and for such purpose." Lines 3 and 4, strike out the words "or to secure any indebtedness created by them for such purposes." Line 6, strike out all after the word "thereto," down to and including the word "in" in line 11. Line 14, strike out the word "two-thirds" and insert the word "one-half." Lines 15 and 16, strike out the words "mortgaged to secure the same," and insert the words "of such corporation."

Section 14, line 3, strike out the words "labor done." Line 5, after the word "value" strike out the balance of section.

Section 15, line 3, strike out the word "one" and insert the words "in the aggregate two." Line 4, strike out the words "may be." Same line, strike out all after the word "reduced" down to and including the word "office" in line 18, and insert the words "by a vote of the majority of the stockholders in number and representing a majority of the stock of such corporation at any meeting thereof convened for that purpose pursuant to notice thereof, specifying the object of such meeting, and served pursuant to the provisions of section 5."

Section 17, line 39, strike out the word "actual."

Section 25, line 4, strike out the word "one" and insert the word "two." Line 7, strike out the word "one" and insert the word "two." Line 13, after the word "corporation" strike out the balance of the section.

Section 27, line 6, after the word "day" insert the words "within three months thereafter." Lines 7 and 8, strike out the words "in such manner as shall be provided for by the said by-laws," and insert the words "upon service of notice upon the stockholders thereof respectively in the manner provided in section 5 of this act."

Section 28, lines 1 and 2, strike out the words "or judge." Line 10, strike out the words "or judge."

Section 30, line 2, after the word "except" insert the word "then." Line 4, after the word "situated" strike out the balance of the section and insert the word "shall be taxed thereon."

Section 31, line 7, strike out the words "so as to enable it to be recorded." Line 15, before the word "original" insert the words "record of the." Lines 15 and 16, strike out the words "in such record book" and insert the word "recorded in such office."

Section 32, line 6, after the word "provisions" strike out down to and including the word "of" second occurring in line 14. Line 15, strike out the word "to" and insert the words "of such corporation shall." Lines 30 and 31, strike out the words "on canvassing the votes it shall appear that." Line 32, after the word "stock" insert the words "and stockholder." Strike out the words "have been" and insert the words "shall be." Line 33, strike out the words "having the company" and change the word "avail" to "availing." Lines 33 and 34, strike out the words "privilege and." Line 34, after the word "act" insert the words "said officers shall make." Lines 35 and 36, strike out the words "with the provisions of this act" and insert the words "therewith duly acknowledged." Line 49, strike out the words "shall be made out, signed and verified by the chairman and secretary, and shall be filed together" and insert the words "which certificate." Line 51, after the word "corporation" insert the word "shall be filed." Line 58, strike

out the words "the privileges and." Line 62, change the word "respectfully" to "respectively."

Section 36, lines 4 and 5, strike out the words "participant in such omission or acquiescing therein." Line 18, after the word "behalf" insert the word "shall," and change the word "uses" to "use." Line 19, change the word "authorizes" to "authorize." Line 21, after the word "or" insert the word "shall," and change the word "issues" to "issue." Line 22, change the word "authorizes" to "authorize." Line 23, after the word "or" insert the word "shall." Line 24, change the word "signs" to "sign," and the word "authorizes" to "authorize."

Section 37, line 7, after the word "company" strike out down to and including the word "prescribed" in line 10, and insert as follows: "The term 'stockholder,' as used herein, shall apply not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person, and also to every person who shall have advanced the installments or purchase-money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor to the extent of such advance, and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock, and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act by reason of any such investment, nor shall the person for whose benefit any such investment may be made be responsible in respect to such stock until thirty days after the time when such persons respectively became competent and able to control and dispose of the same, but the guardian or other trustee making such investment as aforesaid shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investments, the person making such transfer or giving such directions, and his executors and administrators, shall for the purpose of this act be deemed a stockholder, and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock according to the provisions of this act."

Strike out section 39.

The amendments having been read,

Mr. Prince moved that the House non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act further to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 10, after the word "time" insert the words "with the written consent of the Superintendent of the Insurance Department." Line 21, after the word "filing" insert the words "such written consent of said Superintendent." Line 27, after the word "increase" insert the words "change of name or acquisition of such additional powers." Line 28, after the word "the" insert the word "said." After the word "Superintendent" strike out the words "of the Insurance Department."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 69 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Clark	Hammond	Lincoln
Barkley	Cleary	Hanrahan	McGroarty
Barrow	Coffey	Hauschel	Merwin
Beach	Cole	Hess	Oakley
Beardsley	Comstock	Hinckley	Peck
Benedict	Cooke	Hogan	Petty
Bennett	Costigan	Holmes	Prince
Berry	Daly	Houghton	Rich
Bishop	Davis	Hussey	Russell
Bordwell	Decker	Husted	Schenck
Bradley	Farrar	Ives	Scudder
Braman	Faulkner	Kennaday	Shattuck
Broas	Fay	Kirk	Sherwood
Burtis	Friend	Krack	Smith
Calkins	Gallagher	Lawson	Speaker
T. C. Campbell	Green	Lewis	Waehner
T. J. Campbell	Griffin	Lillybridge	Wenzel
Christopher			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the city of Troy to refund a portion of its bonded debt," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 2 the following: "The old bonds so paid shall be canceled and destroyed in the manner directed by the common council of said city."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Krack	Scudder
Badger	Davis	Kshinka	Seward
Barkley	Decker	Lawson	Shattuck
Barrow	Edson	Lillybridge!	Sherman
Beach	Ely	Mackin	Sherwood
Benedict	Faulkner	McAfee	Shiel
Bennett	Friend	McGowan	Smith

Berry	Gallagher	McGroarty	Speaker
Bordwell	Green	J. W. Miller	Stephens
Bradley	Griffin	Oakley	Struble
Braun	Hammond	O'Keefe	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hepburn	Peck	W. F. Taylor
T. C. Campbell	Hess	Petty	Tewksbury
T. J. Campbell	Hinckley	Pierson	Tremain
Christopher	Hogan	Pope	Vedder
Clark	Houghton	Ransom	Waehner
Cleary	Husted	Rich	Wellington
Coffey	Ives	Roscoe	West
Cole	W. A. Johnson	Russell	Willis
Comstock	Keenan	Sanford	Worth
Cooke	Kennaday	Schenck	Wurts
Costigan	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to enable married women to release and to confirm releases of dower and inchoate rights of dower in certain cases," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert as follows:

"SECTION 1. Any married woman of full age may hereafter, during coverture, by a release in writing, under her hand and seal, acknowledged or provided in the same manner in which a deed of real estate is by law required to be acknowledged or proved, release her inchoate rights of dower in real estate to any person or persons who shall be in possession of such estate, and who derive title thereto under or through her husband and the consent of her husband, shall not be necessary to such release, nor shall he be required to join with his wife in any such release.

"§ 2. Any such release of her inchoate right of dower, heretofore made by a married woman of full age, during coverture, to such persons, in which her husband shall not have joined, shall be effectual to release such inchoate right of dower as if her husband had joined with her in such release.

"§ 3. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Cleary	Hussey	Schenck
Badger	Coffey	Husted	Scudder
Barkley	Comstock	Ives	Seward
Barrow	Cooke	W. A. Johnson	Sherman
Beach	Daggett	Keenan	Sherwood
Beardsley	Daly	Kennaday	Silverman



**APRIL 27.]**

**1861**

<b>Benedict</b>	<b>Decker</b>	<b>Kirk</b>	<b>Smith</b>
<b>Bennett</b>	<b>Edson</b>	<b>Kshinka</b>	<b>Speaker</b>
<b>Berry</b>	<b>Farrar</b>	<b>Lawson</b>	<b>Stephens</b>
<b>Bishop</b>	<b>Faulkner</b>	<b>Lewis</b>	<b>Struble</b>
<b>Bowen</b>	<b>Friend</b>	<b>Lincoln</b>	<b>Talmage</b>
<b>Bradley</b>	<b>Gallagher</b>	<b>McGroarty</b>	<b>G. Taylor</b>
<b>Braman</b>	<b>Green</b>	<b>Merwin</b>	<b>Vedder</b>
<b>Brown</b>	<b>Hammond</b>	<b>J. W. Miller</b>	<b>Waehner</b>
<b>Burtis</b>	<b>Hanrahan</b>	<b>Oakley</b>	<b>Wellington</b>
<b>Calkins</b>	<b>Hauschel</b>	<b>Petty</b>	<b>Wenzel</b>
<b>T. C. Campbell</b>	<b>Hinckley</b>	<b>Reilly</b>	<b>West</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Rich</b>	<b>Willis</b>
<b>Christopher</b>	<b>Holmes</b>	<b>Roscoe</b>	<b>Wurts</b>
<b>Clark</b>	<b>Houghton</b>	<b>Sanford</b>	

**For the negative,**

**Costigan**

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1860, and the acts amending the same," for amendment.

Mr. Braman moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 92 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

<b>Alvord</b>	<b>Costigan</b>	<b>Keenan</b>	<b>Sanford</b>
<b>Badger</b>	<b>Daly</b>	<b>Kennaday</b>	<b>Schenck</b>
<b>Barkley</b>	<b>Davis</b>	<b>Kirk</b>	<b>Schieffelin</b>
<b>Barrow</b>	<b>Decker</b>	<b>Kshinka</b>	<b>Schuyler</b>
<b>Beardsley</b>	<b>Edson</b>	<b>Lawrence</b>	<b>Scudder</b>
<b>Benedict</b>	<b>Ely</b>	<b>Lawson</b>	<b>Seward</b>
<b>Bennett</b>	<b>Farrar</b>	<b>Lewis</b>	<b>Shattuck</b>
<b>Berry</b>	<b>Faulkner</b>	<b>Lillybridge</b>	<b>Sherman</b>
<b>Bishop</b>	<b>Friend</b>	<b>Lincoln</b>	<b>Sherwood</b>
<b>Bordwell</b>	<b>Gallagher</b>	<b>McAfee</b>	<b>Silverman</b>
<b>Bowen</b>	<b>Green</b>	<b>McGowan</b>	<b>Stauf</b>
<b>Braman</b>	<b>Griffin</b>	<b>McGroarty</b>	<b>Struble</b>
<b>Broas</b>	<b>Hammond</b>	<b>J. W. Miller</b>	<b>Talmage</b>
<b>Brown</b>	<b>Hanrahan</b>	<b>Oakley</b>	<b>G. Taylor</b>
<b>Burtis</b>	<b>Hepburn</b>	<b>O'Keefe</b>	<b>W. F. Taylor</b>
<b>Calkins</b>	<b>Hess</b>	<b>Page</b>	<b>Tewksbury</b>
<b>T. C. Campbell</b>	<b>Hinckley</b>	<b>Petty</b>	<b>Vedder</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Pierson</b>	<b>Waehner</b>
<b>Christopher</b>	<b>Holmes</b>	<b>Prince</b>	<b>Wellington</b>



Clark	Hussey	Ransom	Wenzel
Cleary	Husted	Rich	West
Coffey	Ives	Roscoe	Willis
Cooke	W. A. Johnson	Russell	Worth

On motion of Mr. Braman, and by unanimous consent, said bill was amended as follows:

Strike out all of section 1, after line 5, and insert the following:

"§ 2. The city shall be divided into five wards, bounded and described as follows, respectively:

"FIRST WARD. All that part of the city included within the following lines, to wit: Commencing at a point in the Mohawk river where the center line of Vliet street, extended, intersects the boundary line of the city; thence westerly along said line and the center line of Vliet street to its intersection with the Erie canal; thence southerly along the center of said canal to the center line of Cataract alley, extended westerly to the Central railroad; thence westerly along said line to said railroad; thence northerly and westerly along the center of said railroad to its intersection with the center of the Boght road; thence westerly along said Boght road to the western boundary line of said city; thence northerly and easterly along the boundary line of the city to the place of beginning, shall comprise the first ward.

"SECOND WARD. All that portion of the city comprised within the following lines, to wit: Commencing at a point in the Mohawk river where the line of Vliet street, extended, intersects the boundary line of the city; thence easterly and southerly along said boundary line and the center of the south branch of said river as it flows easterly of Simmons' island to a point directly east of the south end of said island; thence westerly to the south end of said island; thence in a direct line to the point of intersection of the center of Pine street with the center of the Champlain canal; thence along the southern boundary line of the second ward of the village (now city) of Cohoes, to its intersection with the Erie canal; thence northerly along the center of said canal to the center of Vliet street; thence easterly along Vliet street and the line of Vliet street extended to the place of beginning, shall comprise the second ward.

"THIRD WARD. All that part of the city comprised within the following lines to wit: Commencing at a point in the center of the south branch of the Mohawk river, directly east of the south end of Simmons' island, thence southerly along the center of said south branch to a point where the center line of Cedar street extended easterly intersects the same; thence westerly along said line and the center line of Cedar street to the center of Saratoga street, thence in a direct line to the center line of Columbia street, where it intersects the center line of Mohawk street; thence westerly along the center line of said street to the center line of the Erie canal; thence northerly along the center line of said Erie canal to its intersection with the center line of Cataract alley extended in a direct line to the center line of the New York Central Railroad; thence easterly along said line of Cataract alley, and the southerly boundary line of the second ward of said city as hereinbefore defined, to the place of beginning shall comprise the third ward.

"FOURTH WARD. All that portion of the city lying south of the southerly line of the third ward and south of the center line of Columbia street extended to the western bounds of the city, shall comprise the fourth ward.

**"FIFTH WARD.** All that part of the city included within the following lines, to wit: Commencing at a point where the center line of the Erie canal intersects the center line of Columbia street, running thence northerly along the center line of the Erie canal to a point where it intersects the center line of Cataract alley, extended, in a direct line to the center of said canal; thence running westerly in the direct line of Cataract alley, extended, to the center of the track of the New York Central Railroad; thence northerly along the center line of said railroad track to the center of the Boght road; thence running westerly along the center line of the said road to the westerly bounds of the city; thence running southerly and along the west bounds of the city to the center line of Columbia street; thence easterly along the center line of Columbia street to the place of beginning, s all comprise the fifth ward."

Amend section 2 by inserting in line 1, after the word "elected," the words "in and for the fifth ward of said city." And after the word "amended," in line 5, place a period instead of a comma, and commence the following sentence with a capital O.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Sanford
Barkley	Decker	Krack	Schenck
Beach	Edson	Kshinka	Schieffelin
Benedict	Ely	Lawrence	Schuyler
Bennett	Farrar	Lawson	Scudder
Berry	Faulkner	Lewis	Seward
Bishop	Friend	Lillybridge	Shattuck
Bordwell	Gallagher	Lincoln	Sherman
Bowen	Green	McAfee	Sherwood
Bradley	Griffin	McGowan	Silverman
Braman	Hanrahan	McGroarty	Stephens
Brogan	Hauschel	Merwin	Struble
Burtis	Hepburn	Oakley	Talmage
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Page	W. F. Taylor
T. J. Campbell	Hogan	Peck	Tremain
Christopher	Holmes	Petty	Wachner
Clark	Husted	Pierson	Wellington
Cleary	Ives	Pope	Wenzel
Cole	W. A. Johnson	Ransom	West
Cooke	Keenan	Rich	Willis
Costigan	Kennaday	Russell	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act providing for the more secure storage of oil in tanks or other receptacles."

"An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex.'"

"An act to extend the time for the organization of the Central Trust Company of New York."

"An act to amend the charter of the American Popular Life Insurance Company of New York."

"An act in relation to the Inebriate Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriate Home for Kings county, and the better government thereof.'"

"An act to legalize the resolution adopted at the last annual town meeting in the town of Olean, providing an appropriation by tax for the construction of a vault in the burial ground of that town."

"An act to amend chapter 548 of the Laws of 1869, entitled 'An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung.'"

"An act to provide for the purchase of a site and the erection of a school house in school district No. 8 of the town of Flatbush, in the county of Kings."

"An act to amend the charter of the city of Troy, passed May 3, 1870, and the acts amendatory thereof."

"An act to legalize the action of the electors of the town of Fort Covington, in the county of Franklin."

"An act to authorize the city of Schenectady to purchase additional fire engines, and to borrow money therefor."

"An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' passed April 26, 1871."

"An act to repeal chapter 640 of the Laws of 1870, entitled 'An act authorizing the construction of a highway from Chateaugay lake to Saranac and branches.'"

"An act to release to George Wheeler the real estate of which Elizabeth Wheeler died seized."

"An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter.'"

"An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village."

"An act to amend section 118 of article 8 of chapter 2, title 4, part 3 of the Revised Statutes, in relation to the duties of the justices in actions commenced before them in which they are shown to be material witnesses."

"An act to give effect to a deed of assignment made by the Washington Iron Works to James Bigler."

"An act to release to Josephine Robright the real estate of which Frederick Robright died seized."

"An act to further amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village.'"

"An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital."

"An act to provide for the payment for the use and occupation of armories and drill-rooms in the city and county of New York."

"An act to authorize the county of Kings to purchase from the State of New York the State arsenal, in the city of Brooklyn, as an armory, and to provide for the sale of the same by the State."

"An act relating to lands in the Old Military Tract sold by the State Engineer and Surveyor."

"An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female,' passed March 29, 1871."

"An act to prevent injury to animals in the city of New York."

"An act in relation to the Flushing high school in school district No. 5 of the town of Flushing, Queens county."

"An act to amend chapter 490 of the Laws of 1874, entitled 'An act to amend chapter 504 of the Laws of 1873, entitled An act in relation to a certain highway in the county of Hamilton, appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.'"

"An act to amend chapter 42 of the Laws of 1872, entitled 'An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village.'"

"An act to amend chapter 435, Laws of 1873, entitled 'An act to amend chapter 733, Laws of 1872, entitled An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to abandon the further use, by the people of the State of New York, of the buildings, lands and premises in the county of Albany used as a public arsenal, and to convey said buildings, lands and premises to the city of Albany."

"An act to amend chapter 945 of the Laws of 1867, entitled 'An act to regulate the use of certain slips, piers and wharves on the East river, in the city of New York,' passed May 23, 1867."

"An act to provide for assessing and collecting the cost of lands taken for Prospect park in the city of Brooklyn."

"An act supplementary to an act entitled 'An act to incorporate the Manhattan Loan and Trust Company of the city of New York,' passed June 26, 1873."

Mr. Speaker announced the special order, being the the bill entitled as follows:

"An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State."

Also, the majority and minority reports of the canal committee on canal tolls.

The House then resolved itself into a committee of the whole on said bill and reports, and after some time spent therein, the hour of 2 o'clock having arrived, Mr. Speaker resumed the chair and declared the House in recess until 7½ o'clock.

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### HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 790 of the Laws of 1872, entitled 'An act to establish a special road district and appropriate the highway taxes on the non-resident lands therein, for the constructing of a road from Blood's hotel to Tupper's lake, in Franklin county.'"

"An act to legalize and confirm the official acts of Milton J. Baker as coroner of the county of Delaware."

"An act to legalize and confirm the vote of the electors of the town of Salamanca, Cattaraugus county, at the annual town meeting held on the 24th day of February, 1874, in relation to building a fence around the burying-ground in the village of Salamanca, and to levy and collect a tax on said town to pay the expenses thereof."

"An act to prevent the taking of fish from Summer Hill lake, its inlet or outlet, in the town of Summer Hill, in the county of Cayuga."

"An act for the preservation of fish in the waters of Oak Orchard creek, in the counties of Genesee and Orleans."

"An act authorizing the city of Kingston to issue bonds in order to create a fund for the purpose of completing and furnishing the city hall in said city, and of paying for and improving the city hall lot."

"An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased."

"An act to amend chapter 345 of the laws of 1874, entitled 'An act in regard to publishing the account of incorporated villages in this State.'"

"An act relating to the construction of sidewalks upon Ellicott avenue in the village of Batavia."

"An act to authorize the town of Newfane, in the county of Niagara, to raise money to build a town house."

"An act in relation to the improvement of the Croton aqueduct in the city of New York."

"An act to legalize the acts of James A. Wright, a justice of the peace in and for the county of Cayuga."

"An act to authorize overseers of highways in the several road districts of this State to cause the removal of fences along public highways for the purpose of preventing the drifting of snow into such highways."

"An act to authorize the railroad commissioners of the town of Afton, county of Chenango, to pay certain moneys to the supervisor of said town."

"An act to amend the act entitled 'An act to provide for the further supply of the city of Brooklyn with water, and for the payment of the expense thereof,' passed February 18, 1871."



**"An act to increase efficiency of the court of general sessions of the peace in the city and county of New York."**

**"An act further to amend chapter 346 of the Laws of 1863, entitled 'An act empowering railroad companies to employ police force.'"**

**"An act in relation to the election of village officers in Geneva, Ontario county."**

**"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 20, 1866, and amended April 22, 1867, April 27, 1871, March 27, 1872, and May 14, 1873."**

**"An act to amend chapter 773 of the Laws of 1867, entitled 'An act to amend the charter of the Brooklyn Life Insurance Company.'"**

**"An act to amend and supplementary to chapter 362 of the Laws of 1872, entitled 'An act to incorporate the Mutual Trust Institution of New York.'"**

**"An act to further amend chapter 448 of the Laws of 1863, entitled 'An act to incorporate the Society for the Protection of Destitute Roman Catholic Children in the city of New York.'"**

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to amend chapter 315 of the Laws of 1873, entitled 'An act to amend the Revised Statutes in relation to laying out of public roads and of the alteration thereof,'" with a message informing that they assent to a committee of conference thereon, and have appointed Messrs. Dow, Robertson and Laning as such committee.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

**"An act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure founded thereon,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

**"An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act, and falling due in 1876 and 1877,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

**"An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips, in the cities of New York and Brooklyn,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

**"An act to facilitate the distribution of the property and effects of the American Tontine Life Insurance Company, which was read the first time, and by unanimous consent was also read the second time.**

On motion of Mr. McGowan, and by unanimous consent, said bill was substituted for Assembly bill of the same title.

**"An act to prevent fishing within three years in the waters of Lawson's and McCulloch's lake, in the county of Albany,"** which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Braman, and by unanimous consent, said bill was substituted for Assembly bill of the same title.

"An act to legalize and confirm the proceedings of the incorporation of the village of Canisteo, in the county of Steuben, and the election of the officers therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act relating to the Buffalo East Side Street Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls and break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial use in front of their lands, in the twelfth ward of the city of Brooklyn,' passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend chapter 508 of the Laws of 1874, entitled 'An act to authorize the construction of a railway from Vesey street, through certain streets in the city of New York, to the South ferry,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Leave of absence was granted to Mr. Braman until Thursday evening.

Mr. McGroarty from the sub-committee of the whole, presented a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 143.)

On motion of Mr. Broas, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act in relation to the Hudson River State Hospital for the Insane at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, the Buffalo State Asylum for the Insane," and the same was ordered to a third reading.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

"An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State."

Also, the reports of the committee on canals in reference to canal tolls.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported that upon the division of a question it appeared that no quorum was present.

Mr. Speaker ordered a call of the roll.

The roll was then called, and the following members answered to their names:

Alvord	Decker	Kshinka	Russell
Barrow	Edson	Law	Sanford
Beach	Friend	Lawrence	Schenck
Beardsley	Gallagher	Lawson	Schieffelin
Benedict	Green	Lillybridge	Seward
Berry	Griffin	Lincoln	Sherman
Bishop	Hammond	McGowan	Sherwood
Bordwell	Hanrahan	McGroarty	Silverman
Braman	Hauschel	Merwin	Smith



Broas	Hess	J. W. Miller	Speaker
Brogan	Hinckley	Oakley	Struble
T. C. Campbell	Hogan	O'Keefe	Talmage
T. J. Campbell	Holmes	Page	G. Taylor
Christopher	Hussey	Petty	Vosburgh
Clark	Husted	Pierson	Waehner
Coffey	Ives	Pope	Wellington
Comstock	W. Johnson	Prince	Wenzel
Costigan	Keenan	Ransom	Whitmore
Daggett	Kennaday	Reilly	Worth
Daly	Kirk	Roscoe	Wurts
Davis	Krack		

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The House again resolved itself into a committee of the whole on said bill and reports.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported in favor of the passage of said bill, with amendments; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Husted, from said committee, also reported that they have had under consideration the majority report of the committee on canals in reference to canal tolls, have made some progress thereon, and asked leave to sit again.

Mr. Speaker put the question whether the House would grant leave to said committee to sit again, and it was determined in the affirmative.

Mr. Husted moved that the reports of the majority and minority of the committee on canals on canal tolls be made a special order for to-morrow morning, immediately after the reading of the journal, and considered in the same committee with the special order for that time.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prince moved that the bills G. O. 460, 461 and 518, be made a special order for Wednesday evening next, at 7½ o'clock, and that a session of the House be held for that purpose.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Smith introduced a bill entitled "An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Smith, and by unanimous consent, said bill was referred to the committee of the whole.

On motion of Mr. Waehner, at 10 o'clock and 10 minutes, the House adjourned.

## WEDNESDAY, APRIL 28, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bedell.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown, passed March 31, 1866,' passed February 17, 1872," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Friend, and by unanimous consent, said bill was ordered to a third reading.

"An act authorizing the improvement of Delaware street in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered to a third reading.

"An act to extend the time for the collection of taxes in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Stephens, and by unanimous consent, said bill was ordered to a third reading.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 758 of the Laws of 1865, entitled 'An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley Railroad Company.'"

"An act to amend section 10 of chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons.'"

"An act in regard to sewerage and other improvements in Long Island City."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amending the same," returned from the Governor for amendment, with a message informing that they had reconsidered the vote on the final passage of said bill, and passed the same as amended.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1875," returned from the Governor for amend-

ment, with a message informing that they have reconsidered the vote on the final passage of said bill, and passed the same as amended.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act creating the office of inspector of public works," with a message informing that they assent to a committee of conference thereon, and have appointed Messrs. Lowery, Robertson and Jacobs as such committee.

Mr. Petty moved that the Senate bill entitled "An act to repeal sections 6, 8, 9, 10, 11, 12, 13 and 15, and the preamble of chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, also chapter 282 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the drainage of marsh lands,' passed April 22, 1869, and for the repayment to said Marsh Land Company of moneys paid by them into the treasury of the State in pursuance of said chapter 864 of the Laws of 1868," be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

By unanimous consent,

Mr. Vosburgh, from the committee on commerce and navigation, to which was referred the bill introduced by Mr. Hauschel, Int. No. 1038, entitled "An act to provide for the construction and maintenance of two additional public baths in the city of New York," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Worth introduced a bill entitled "An act to release the interest which the State of New York may have acquired to the real estate of which John Smith died seized to his widow Mary Newman," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Worth, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. Pope,

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting the return to this House, for amendment, of Assembly bill, printed No. 208, entitled "An act to amend chapter 26 of the Laws of 1874, entitled 'An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Church,' passed February 20, 1874."

*Ordered*, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

By unanimous consent, Mr. Gedney introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Sunday School (church extension) and Missionary Society of the Methodist Episcopal Church,' passed April 14, 1866, amended March 14, 1871, again amended May 13, 1872," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Gedney, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. Brogan, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to provide for the construction and maintenance of two additional public baths in the city of New York," and the same ordered engrossed and to a third reading.

On motion of Mr. Green,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return of Assembly bill No. 283, entitled "An act for the preservation of fish in the waters of Oak Orchard creek, in the counties of Genesee and Orleans," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Calkins introduced a bill entitled "An act to authorize the village of Port Henry, in Essex county, to borrow money on its corporate notes or bonds to purchase a steam fire engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Calkins, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent, Mr. Lillybridge presented petitions of citizens of Boonville against the passage of an act to reimburse moneys paid to drafted men; which were read and referred to the committee of the whole.

Also, by unanimous consent, presented a petition of the citizens of Oneida county against reduction of tolls on the Black River canal; which was read and referred to the committee of the whole.

Also, by unanimous consent, presented a petition of citizens of the State of New York for reduction of canal tolls; which was read and referred to the committee of the whole.

By unanimous consent,

Mr. Beardsley, from the committee on internal affairs, to which was referred the bill introduced by Mr. Cleary, Int. No. 1005, entitled "An act to amend an act entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county,' passed April 10, 1857," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Faulkner, Int. No. 788, entitled "An act to amend the charter of the village of Avon," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Houghton, Int. No. 714, entitled "An act to provide for paying the floating debt of the village of Saratoga Springs," reported in favor of the passage of a substitute bill entitled "An act to provide for the settlement of the floating debt of the village of Saratoga Springs," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Houghton, Int. No. 987, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' passed March 26, 1866," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Christopher, Int. No. 896, entitled "An act to give validity to the act of the president of the board of trustees of 1874, of the village of Nelsonville, in the county of Putnam, in administering the oath of office to the trustees elected at the annual election, and to confirm the official acts and proceedings of officers of preceding boards," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Christopher, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent,

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Coe, printed No. 138, entitled "An act to amend an act entitled 'An act in relation to orphan asylum societies at Brooklyn,' passed March 7, 1848," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. McGroarty, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Friend, from the committee on public printing, to which was referred the joint resolution relative to printing extra copies of the Canal Commissioners' report for the year ending September 30, 1874; also, Prof. F. W. Benedict's report upon the head waters of the Hudson and Raquette rivers, reported in favor of the passage of the same, in the words following:

*Resolved* (if the Senate concur), That there be printed on fine paper, for the use of the Canal Commissioners, 3,000 copies of their report for the year ending September 30, 1874, 1,000 to be bound in cloth and the remainder in paper; also, that 2,000 copies be printed for the use of the Legislature; also that 200 copies of Prof. F. W. Benedict's report upon the head waters of the Hudson and Raquette rivers, included in the above report, be printed separately and bound in cloth, one-half for Prof. Benedict and the remainder for the use of the Canal Commissioners.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent,

Mr. Friend, from the committee on public printing, to which was referred the joint resolution relative to printing copies of the annual report of the New York State Agricultural Society for the years 1872, 1873 and 1874, reported in favor of the passage of the same, in the words following:

*Resolved* (if the Senate concur), That 2,500 copies of the annual reports of the New York State Agricultural Society's transactions for the years 1872, 1873 and 1874, be printed and bound in the usual form for the use of the society.

Mr. Hammond dissented from said report.

Mr. Schuyler moved to strike out the words "for the years 1872 and 1873."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the negative.

{ AYES 59 }  
{ NOES 42 }

Those who voted in the affirmative, were

Alvord	Fish	Lawson	Schuyler
Barrow	Friend	Lewis	Scudder
Beardsley	Gallagher	Lillybridge	Seward
Bishop	Gedney	Lincoln	Sherwood
Bordwell	Green	J. W. Miller	Shiel
Burtis	Griffin	Oakley	Slingerland
Calkins	Hepburn	Page	Struble
Clark	Hess	Peck	Tremain
Comstock	Hogan	Petty	Wellington
Costigan	Hussey	Pope	West
Daggett	Husted	Prince	Whitmore
Decker	Ives	Ransom	Willis
Edson	W. A. Johnson	Reilly	Worth
Ely	Kennaday	Russell	Wurts
Fay	Law	Sanford	

Those who voted in the negative, were

Badger	Coffey	Holmes	Pierson
Barkley	Cole	Keenan	Rich
Benedict	Cooke	Kirk	Roscoe
Bennett	Daly	Kshinka	Sherman
Berry	Davis	Lawrence	Smith
Bowen	Farrar	Mackin	Speaker
Bradley	Faulkner	McGowan	G. Taylor
Brogan	Hammond	McGroarty	W. F. Taylor
Brown	Hanrahan	Merwin	Vosburgh
T. C. Campbell	Hauschel	Muller	Waehner
Christopher	Hinckley		

By unanimous consent,

Mr. Friend, from the committee on public printing, to which was referred the resolution relative to printing copies of the annual report of the Transactions of the American Institute for the years 1872, 1873 and 1874, reported in favor of the passage of the same, with amendments, in the words following :

*Resolved* (if the Senate concur), That 2,500 copies of the annual reports of the Transactions of the American Institute, for the years 1872, 1873 and 1874, be printed and bound in the usual form, one-half for the use of the institute and one-half for the use of the Legislature.

Debate was had thereon, when

Mr. Husted moved to lay the report on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. T. C. Campbell, the privileges of the floor were extended to Hons. Geo. O. Vanderbilt, Wm. H. Gill, Robert. S. Woodruff, Jr., Samuel M. Gramans, Geo. W. Patterson, R. F. Rabel, Thomas S. Henry, Andrew J. Smith and Thomas C. Stewart.



The Senate returned the bill entitled "An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 4, strike out the words "or any judge of any court of record within." After the word "attorney," same line, insert the word "of."

Section 2, line 3, strike out all after the word "attorney," down to and including the word "record," in line 4.

Section 4, strike out all after "§ 4," down to and including the word "same," in line 8, and insert in lieu thereof the following: "It shall be the duty of said board of apportionment to provide for the services of any of the class of persons mentioned in the first section of this act, which have been heretofore rendered in pursuance of the direction of any coroner of said city and county, such sum of money as said coroner, district attorney and a judge of any court of record may certify to be just and reasonable, and in case of the refusal of the payment of the amount so certified as aforesaid by the officer whose duty it is to pay the same."

Strike out section 5, and insert in lieu thereof the following:

"§ 5. And each of the said coroners shall appoint as his deputy a properly qualified physician, who shall view the body of any person who shall have died in the manner described in section one of this act externally or make an autopsy thereon, as may be directed by the said coroner. Such physician shall receive for his services an annual salary of \$3,500, which shall be a county charge, and paid in the same manner as the salaries of other county officers. Such salary shall be in lieu of all other fees and charges."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schieffelin
Badger	Edson	Law	Scudder
Barkley	Ely	Lawrence	Seward
Barrow	Farrar	Lawson	Sherman
Benedict	Faulkner	Lillybridge	Sherwood
Berry	Fay	Lincoln	Shiel
Bishop	Fish	McAfee	Silverman
Bordwell	Gallagher	McGowan	Smith
Bowen	Gedney	McGroarty	Speaker
Bradley	Green	Merwin	Stephens
Brogan	Hanrahan	J. W. Miller	Struble
Burtis	Hess	Muller	Talmage
Calkins	Hinckley	Oakley	G. Taylor
T. C. Campbell	Hogan	O'Keefe	W. F. Taylor
T. J. Campbell	Holmes	Page	Vosburgh



Christopher	Hussey	Petty	Wellington
Clark	Husted	Pope	Wenzel
Cleary	W. Johnson	Ransom	West
Cole	W. A. Johnson	Rich	Whitmore
Cooke	Keenan	Roscoe	Willis
Costigan	Kennaday	Sanford	Wurts
Daly	Kirk		

For the negative,

Hauschel

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act further to amend chapter 857 of the Laws of 1873, entitled 'An act in relation to the keeping open of certain public offices in the county of Kings,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out section 1.

Section 2, strike out down to and including the word "and" in line 5.

Section 7, strike out the word "Suffolk" and insert the word "Richmond." Lines 21 and 22, strike out the words "and also any day appointed for holding any special election in the county of Kings."

Change numbers of sections to correspond.

Amend the title so as to read "An act in relation to the keeping open of certain public offices in the county of Queens and Richmond."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kirk	Schenck
Badger	Davis	Kshinka	Schuyler
Barkley	Decker	Law	Soudder
Barrow	Edson	Lawrence	Seward
Beardsley	Ely	Lawson	Sherman
Bennett	Farrar	Lewis	Sherwood
Berry	Faulkner	Lillybridge	Shiel
Bishop	Fay	Lincoln	Silverman
Bordwell	Fish	McAfee	Smith
Bowen	Gallagher	McGroarty	Speaker
Bradley	Green	Merwin	Stephens
Brogan	Griffin	J. W. Miller	Struble
Brown	Hammond	Oakley	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hauschel	Peck	W. F. Taylor
T. C. Campbell	Hess	Petty	Tremain
Christopher	Hogan	Pope	Vosburgh
Clark	Holmes	Ransom	Waehner

	Hussey	Rich	Wenzel
	Husted	Roscoe	West
Comstock	W. Johnson	Russell	Willis
Cooke	W. A. Johnson	Sanford	Witbeck
Costigan	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 497 of the Laws of 1869, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county,' and supplementary thereto," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 15, strike out the words "not less than."

Add as section 6 the following:

"§ 6. This act shall take effect on the first day of January, 1876."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schuyler
Badger	Edson	Law	Scudder
Barkley	Ely	Lawson	Seward
Beach	Farrar	Lewis	Sherman
Benedict	Faulkner	Lillybridge	Sherwood
Bennett	Fay	Lincoln	Shiel
Berry	Friend	Mackin	Smith
Bishop	Gallagher	McGroarty	Speaker
Bradley	Green	J. W. Miller	Stephens
Braman	Griffin	Muller	Struble
Brogan	Hammond	Oakley	Talmage
Brown	Hanrahan	Peck	G. Taylor
Calkins	Hauschel	Petty	W. F. Taylor
T. C. Campbell	Hess	Pierson	Tremain
Christopher	Hogan	Pope	Vosburgh
Clark	Holmes	Ransom	Waehner
Cole	Hussey	Rich	Wenzel
Cooke	W. Johnson	Russell	West
Costigan	W. A. Johnson	Sanford	Willis
Daggett	Kennaday	Schenck	Witbeck
Davis	Kirk	Schieffelin	Worth

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to confirm and levy certain assessments for street improvements in the city of Albany, and to regulate the collection thereof," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 1 the following: "But nothing herein contained shall apply to any property within the said respective districts, and upon which a tax or assessment is hereby levied, which has been purchased in good faith subsequent to any decision of the general term of the supreme court for the third department holding any tax or assessment herein mentioned void, provided such purchase was made prior to February 12, 1875."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Keenan	Schenck
Badger	Ely	Kennaday	Schieffelin
Barkley	Farrar	Kirk	Schuyler
Beach	Faulkner	Kshinka	Scudder
Beardsley	Fay	Lawrence	Seward
Bennett	Fish	Lawson	Sherman
Berry	Friend	Lewis	Shiel
Bishop	Gallagher	Lillybridge	Slingerland
Bowen	Green	Lincoln	Smith
Bradley	Griffin	Mackin	Stephens
Braman	Hammond	McGowan	Struble
Calkins	Hanrahan	McGroarty	Talmage
T. C. Campbell	Hauschel	J. W. Milier	G. Taylor
T. J. Campbell	Hepburn	Muller	W. F. Taylor
Christopher	Hess	O'Keefe	Tremain
Clark	Hinckley	Peck	Vosburgh
Cleary	Hogan	Petty	Waehner
Cole	Hussey	Pope	Wenzel
Cooke	Husted	Prince	West
Costigan	Ives	Ransom	Whitmore
Daly	W. Johnson	Rich	Witbeck
Decker	W. A. Johnson	Russell	Worth
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend section 1, chapter 33 of the Laws of 1874, entitled 'An act to amend section 1 of chapter 381 of Laws of 1873, entitled An act for the preservation of fish in waters lying within or bordering upon the counties of Schuyler, Steuben, Chemung, Seneca, Yates and Ontario," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, strike out all after the word "them," in line 18, down to and including the word "aforesaid" in line 22.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in

the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schuyler
Badger	Dessar	Kirk	Scudder
Barrow	Edson	Kshinka	Seward
Beach	Ely	Lawrence	Sherman
Benedict	Farrar	Lawson	Sherwood
Berry	Faulkner	Lewis	Shiel
Bordwell	Fay	Lillybridge	Silverman
Bradley	Fish	Lincoln	Slingerland
Braman	Friend	Mackin	Smith
Brogan	Gallagher	McGowan	Stephens
Calkins	Green	McGroarty	Struble
T. C. Campbell	Griffin	J. W. Miller	Talmage
T. J. Campbell	Hammond	O'Keefe	G. Taylor
Christopher	Hanrahan	Page	W. F. Taylor
Clark	Hauschel	Petty	Tremain
Coffey	Hess	Pierson	Vosburgh
Cole	Hinckley	Pope	Waehner
Comstock	Holmes	Prince	Wenzel
Cooke	Husted	Ransom	West
Costigan	Ives	Rich	Whitmore
Daggett	W. Johnson	Russell	Willis
Daly	W. A. Johnson	Schenck	Worth

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act further to amend chapter 385 of the Laws of 1862, entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' and the several acts amendatory thereof," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out in line 4, section 2, after the word "an" the words "inhabitant or tax payer" (concluded in line 5) and insert in lieu thereof the word "elector."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	W. A. Johnson	Schenck
Badger	Decker	Keenan	Schieffelin
Barkley	Dessar	Kirk	Schuyler

Barrow	Edson	Kshinka	Scudder
Beardsley	Ely	Law	Seward
Benedict	Faulkner	Lawson	Shattuck
Berry	Fay	Lillybridge	Sherwood
Bordwell	Fish	Lincoln	Shiel
Bowen	Friend	Mackin	Slingerland
Braman	Gallagher	McAfee	Smith
Brogan	Green	McGowan	Struble
Calkins	Griffin	Merwin	Talmage
T. C. Campbell	Hammond	J. W. Miller	G. Taylor
T. J. Campbell	Hanrahan	O'Keefe	W. F. Taylor
Christopher	Hepburn	Page	Vedder
Clark	Hess	Peck	Vosburgh
Cleary	Hinckley	Petty	Waehner
Coffey	Hogan	Pope	Wenzel
Cole	Holmes	Prince	West
Cooke	Hussey	Ransom	Witbeck
Costigan	Husted	Roscoe	Worth
Daly	W. Johnson	Russell	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to prevent the mutilation of shade trees," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 4, strike out the word "interested."

Amend the title by inserting after the word "shade" the word "ornamental."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schenck
Badger	Dessar	Kirk	Schieffelin
Barkley	Edson	Kshinka	Scudder
Beach	Ely	Lawrence	Shattuck
Beardsley	Farrar	Lawson	Sherman
Benedict	Faulkner	Lewis	Sherwood
Berry	Fay	Lincoln	Shiel
Bishop	Friend	Mackin	Silverman
Bordwell	Gallagher	McGowan	Smith
Bradley	Green	McGroarty	Stephens
Braman	Griffin	J. W. Miller	Struble
Broas	Hammond	O'Keefe	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hauschel	Petty	W. F. Taylor
T. C. Campbell	Hess	Pierson	Tremain
T. J. Campbell	Hinckley	Pope	Vosburgh

Christopher	Holmes	Prince	Waehner
Cleary	Hussey	Ransom	Wenzel
Cole	Husted	Roscoe	West
Cooke	Ives	Russell	Willis
Daggett	W. Johnson	Sanford	Worth
Daly	W. A. Johnson		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866, as to travel fees of constables," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 21, strike out the word "ten" and insert in lieu thereof the word "five." Same section, line 24, strike out the word "ten" and insert in lieu thereof the word "five."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Scudder
Barkley	Edson	Lawrence	Seward
Barrow	Ely	Lawson	Sherman
Beach	Farrar	Lewis	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Bennett	Fay	Lincoln	Slingerland
Berry	Friend	Mackin	Smith
Bishop	Gallagher	McGowan	Stephens
Bradley	Gedney	McGroarty	Struble
Braman	Griffin	J. W. Miller	Talmage
Broas	Hammond	Muller	G. Taylor
Burtis	Hanrahan	Page	W. F. Taylor
Calkins	Hauschel	Peck	Tremain
T. C. Campbell	Hess	Petty	Vedder
T. J. Campbell	Hogan	Pope	Vosburgh
Christopher	Holmes	Prince	Waehner
Clark	Husted	Ransom	Wenzel
Cleary	Ives	Rich	West
Cole	W. Johnson	Sanford	Willis
Cooke	W. A. Johnson	Schenck	Witbeck
Costigan	Kennaday	Schieffelin	Worth
Daly	Kirk	Schuyler	Wurts
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act for the relief of the New York and Yonkers Fire Insurance Company," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 1 the following: "Said company are authorized to reduce the number of their directors to thirteen when they may desire."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daggett	Ives	Sanford
Barkley	Daly	W. Johnson	Schieffelin
Barrow	Decker	W. A. Johnson	Schuyler
Beach	Dessar	Kéenan	Soudder
Benedict	Edson	Kshinka	Seward
Bennett	Ely	Lawrence	Sherman
Berry	Farrar	Lawson	Sherwood
Bordwell	Faulkner	Lillybridge	Shiel
Bowen	Fay	Lincoln	Smith
Bradley	Friend	Mackin	Stephens
Braman	Gallagher	McGowan	Struble
Broas	Gedney	McGroarty	Talmage
Burtis	Green	Merwin	G. Taylor
Calkins	Griffin	J. W. Miller	W. F. Taylor
T. C. Campbell	Hammond	Muller	Tremain
T. J. Campbell	Hauschel	Oakley	Vedder
Christopher	Hess	Page	Vosburgh
Clark	Hinckley	Petty	Waehner
Cleary	Hogan	Pope	Wenzel
Cole	Holmes	Ransom	West
Cooke	Hussey	Rich	Willis
Costigan	Husted	Roscoe	Worth

For the negative,

Kirk

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to extend the time for the exercise and discharge of the official duties and for the completion of the work of the commissioner of streets, roads, avenues and parks in Long Island City," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, lines 30, 31 and 32, strike out the words "and as further enlarged under an act to provide for improvement in and adjoining the first ward of Long Island City."



The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schuyler
Barkley	Decker	Kirk	Scudder
Beach	Edson	Kshinka	Seward
Beardsley	Ely	Lawrence	Sherman
Benedict	Farrar	Lawson	Sherwood
Bennett	Faulkner	Lewis	Shiel
Berry	Fay	Lillybridge	Silverman
Bishop	Friend	Lincoln	Stephens
Bordwell	Gallagher	Mackin	Struble
Bowen	Gedney	McGowan	Talmage
Braman	Green	McGroarty	G. Taylor
Broas	Griffin	J. W. Miller	W. F. Taylor
Brown	Hanrahan	Oakley	Tremain
Burtis	Hauschel	O'Keefe	Vedder
Calkins	Hess	Peck	Vosburgh
T. C. Campbell	Hogan	Petty	Waehner
T. J. Campbell	Holmes	Pierson	Wenzel
Christopher	Hussey	Ransom	West
Clark	Husted	Rich	Whitmore
Cleary	Ives	Roscoe	Willis
Cole	W. Johnson	Russell	Witbeck
Cooke	W. A. Johnson	Schenck	Worth
Costigan	Keenan	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, in the words following :

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend an act entitled 'An act to amend chapter 291 of the Laws of 1870, entitled An act for the incorporation of villages,' passed April 25, 1870."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Middleton, and by unanimous consent, the same was amended as follows :

Section 1, line 2, strike out the words "an act to amend" and insert the words "title three of." Same section, lines 5 and 6, strike out the words "passed March 25, 1874."

Amend the title so as to read, "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in

the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	W. A. Johnson	Schieffelin
Badger	Daly	Kennaday	Schuyler
Barrow	Decker	Kirk	Scudder
Beach	Dessar	Kshinka	Seward
Beardsley	Edson	Lawrence	Sherman
Benedict	Ely	Lawson	Sherwood
Bennett	Farrar	Lewis	Shiel
Berry	Faulkner	Lincoln	Smith
Bordwell	Friend	Mackin	Stephens
Bowen	Gallagher	McGowan	Struble
Bradley	Green	McGroarty	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Broas	Hammond	Oakley	W. F. Taylor
Burtis	Hanrahan	Page	Tewksbury
Calkins	Hauschel	Peck	Tremain
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner
Christopher	Holmes	Prince	Wenzel
Clark	Hussey	Rich	West
Cleary	Husted	Roscoe	Whitmore
Cole	Ives	Russell	Witbeck
Cooke	W. Johnson	Schenck	Worth

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kshinka	Scudder
Barkley	Farrar	Law	Seward
Beach	Faulkner	Lawson	Sherman
Beardsley	Fay	Lewis	Sherwood
Bennett	Friend	Lillybridge	Shiel
Berry	Gallagher	Lincoln	Smith
Bishop	Gedney	McGowan	Speaker
Bordwell	Green	McGroarty	Stephens
Bowen	Griffin	J. W. Miller	Struble
Brown	Hammond	Oakley	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hauschel	Peck	W. F. Taylor
T. C. Campbell	Hepburn	Petty	Tremain
T. J. Campbell	Hess	Pope	Vedder
Christopher	Hogan	Ransom	Vosburgh

Cleary	Holmes	Rich	Waehner
Cole	Hussey	Roscoe	West
Cooke	Ives	Russell	Whitmore
Daggett	W. Johnson	Schenck	Willis
Daly	W. A. Johnson	Schieffelin	Worth
Dessar	Kennaday	Schuyler	Wurts
Edson	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

On motion of Mr. Pierson, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act authorizing the payment of certain employees of the Assembly for services."

Said bill being announced for a third reading,

On motion of Mr. Scudder, and by unanimous consent, said bill was recommitted to the committee on ways and means with instructions to make the following amendment, and report the same forthwith :

Line 9, printed bill, before the words "to be audited" insert the words "and to Wm. W. Brinkerhoff, five dollars per day from the 12th day of January, for services rendered in the wrapping department."

Mr. Hammond, from the committee on ways and means, reported back said bill amended as instructed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Daggett	W. A. Johnson	Roscoe
Barkley	Decker	Kennaday	Russell
Barrow	Edson	Kirk	Schuyler
Beach	Ely	Kshinka	Scudder
Benedict	Farrar	Law	Seward
Bennett	Fay	Lawrence	Sherman
Berry	Gallagher	Lewis	Shiel
Bishop	Gedney	Lillybridge	Smith
Bordwell	Green	Lincoln	Speaker
Bowen	Griffin	McGowan	Struble
Bradley	Hanrahan	McGroarty	Talmage
Broas	Hauschel	Merwin	G. Taylor
Brown	Hepburn	J. W. Miller	W. F. Taylor
Calkins	Hess	Page	Tremain
T. J. Campbell	Hinckley	Peck	Vedder
Christopher	Hogan	Petty	Waehner
Clark	Holmes	Pierson	Wellington
Cleary	Hussey	Pope	Willis
Cole	Husted	Prince	Worth
Comstock	Ives	Ransom	Wurts
Costigan	W. Johnson	Rich	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Ransom, and by unanimous consent, the Senate bill entitled "An act authorizing the city of Buffalo to appropriate the unexpended proceeds of certain bonds of said city issued in pursuance of the authority contained in chapter 242 of the Laws of 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Cooke	W. Johnson	Schenck
Badger	Costigan	W. A. Johnson	Schuyler
Barkley	Daggett	Kennaday	Soudder
Beach	Daly	Kirk	Seward
Benedict	Decker	Kshinka	Sherman
Bennett	Edson	Lawrence	Shiel
Berry	Farrar	Lawson	Slingerland
Bishop	Faulkner	Lewis	Speaker
Bordwell	Fay	Lillybridge	Stauf
Bowen	Friend	Lincoln	Stephens
Bradley	Gallagher	McGowan	Struble
Broas	Gedney	McGroarty	Talmage
Brown	Green	J. W. Miller	G. Taylor
Burtis	Griffin	Oakley	Vosburgh
Calkins	Hanrahan	Page	Waehner
T C. Campbell	Hauschel	Peck	Wenzel
T. J. Campbell	Hess	Petty	Whitmore
Christopher	Holmes	Prince	Willis
Clark	Hussey	Ransom	Witbeck
Cleary	Husted	Rich	Worth
Cole	Ives	Russell	Wurts

For the negative,

Hammond

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany."

"An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act further to amend chapter 319 of the Laws of 1848, entitled

**‘An act for the incorporation of benevolent, charitable, scientific and missionary societies,’ and the several acts amendatory thereof.”**

**“An act confirming the title of the trustees of school district No. 3, in the town of Amherst, in the county of Erie, to the lands and property of the Williamsville Academy, in said county.”**

**“An act relating to free instruction in drawing.”**

**“An act to establish police and fire departments in the city of Utica, and place the same under the direction of the mayor of said city.”**

**“An act for the incorporation of library societies.”**

**“An act to revise and consolidate the several acts relative to public schools in the city of Auburn.”**

**“An act to amend an act entitled ‘An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same, and improvement of such extension, in Queens county, and to provide for the payment therefor,’ passed June 16, 1874.”**

**“An act supplemental to chapter 319 of the Laws of 1848, entitled ‘An act for the incorporation of benevolent, charitable, scientific and missionary societies,’ and the several acts amendatory thereof.”**

**“An act to create a liability against towns for injuries sustained by persons in consequence of the highways or bridges in any town being out of repair, or having been defectively constructed.”**

**“An act to amend an act passed December 14, 1847, entitled ‘An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,’ passed May 10, 1845.”**

**“An act to enable John L. Ireland to acquire title to a portion of South Fifth avenue in the city of New York, and to discontinue that portion of said avenue.”**

**“An act to amend chapter 379 of the Laws of 1848, entitled ‘An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.”**

**“An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes in relation to disorderly persons.”**

**“An act in relation to the estate of the infant children and heirs at law of Martha West Yale, deceased.”**

**“An act to provide houses of detention in the several counties of this State, for the safe-keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses.”**

**“An act for the relief of James Luther McCoy.”**

**“An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow.”**

**Senate, “An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof.”**

**Senate, “An act to enlarge the board of education in union free school district No. 6, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said dis-**

trict, and to erect thereupon a new school-house, and to provide for the raising of money therefor."

Senate, "An act to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act relative to the care and education of deaf-mutes."

"An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871, and to repeal chapter 329 of the Laws of 1872."

"An act to amend chapter 264 of the Laws of 1851, entitled 'An act to amend the act entitled An act to incorporate the village of Bath, in the county of Steuben.'"

*Ordered*, That the Clerk return said bills to the Senate.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the Senate bill entitled as follows:

"An act to incorporate the Twelfth Ward Savings Bank in the city of New York."

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act supplementary to chapter 780 of the Laws of 1867, entitled 'An act to supply the city of Binghamton with pure and wholesome water.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Speaker announced the special order being the consideration of G. O. 801, and the majority and minority reports of the committee on canals on canal tolls.

The House then resolved itself into a committee of the whole on said bill and reports.

And after some time spent therein, the hour of 2 o'clock having arrived, Mr. Speaker resumed the chair and declared the House in recess until 7½ o'clock P. M.

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## HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies.'"

"An act to amend chapter 452 of the Laws of 1863, entitled 'An act to amend section 1 of chapter 760 of the Laws of 1870, in reference to acquiring title to real estate for burial purposes.'"

"An act to amend chapter 252 of the Laws of 1874, entitled 'An act

to provide for supplying the village of Owego, in the county of Tioga, with water."

"An act to provide for the election of a police constable in the village of McGrawville, Cortland county."

"An act for the better suppression of vice and of obscene literature."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bills entitled as follows:

"An act further to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies.'"

"An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866, as to travel fees of constables."

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1875."

"An act to enable married women to release and to confirm releases of dower and inchoate rights of dower in certain cases."

"An act to authorize the city of Troy to refund a portion of its bonded debt."

"An act to extend the time for the exercise and discharge of the official duties and for the completion of the work of the commissioners of streets, roads, avenues and parks in Long Island City."

"An act to prevent the mutilation of shade or ornamental trees."

"An act farther to amend chapter 385 of the Laws of 1862, entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' and the several acts amendatory thereof."

"An act to amend section 1, chapter 33 of the Laws of 1874, entitled 'An act to amend section 1 of chapter 381 of Laws of 1873, entitled An act for the preservation of fish in waters lying within or bordering upon the counties of Schuyler, Steuben, Chemung, Seneca, Yates and Ontario.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act relating to fares for carrying passengers on street railroads in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess, passed April 4, 1866,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to regulate the supply of stationery for the officers and reporters of the Legislature," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on ways and means.

"An act to fix the rates of fare to be charged upon the New York Central and Hudson River railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to repeal section 3 of chapter 130 of Laws of 1870, being an act authorizing the town of Friendship to raise moneys by tax in aid of Friendship Academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act relating to free instruction in drawing," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was substituted for the Assembly bill of the same title.

Mr. McGroarty, from the sub-committee of the whole, submitted a report in writing; which was laid on the table and ordered printed.

(*See Doc. No. 145.*)

By unanimous consent,

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Stephens, Int. No. 1022, entitled "An act to authorize James McAndrew to take, hold and convey real estate," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Husted moved to lay the special order on the table, being the consideration of G. O. 461, 460 and 518, for the purpose of taking up the canal toll resolutions.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

"An act to amend an act entitled 'An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company, and Rockaway Railroad Company of Queens county, of New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies,' passed May 31, 1872."

Also, the report of the majority of the committee on canals on canal tolls.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported in favor of the passage of said bill, with amendments; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Husted, from said committee, also reported that they have had under consideration the majority report of the committee on canals in reference to canal tolls, have made some progress thereon, and asked leave to sit again.

The question being on granting leave,

Mr. Husted moved that the committee of the whole be discharged from the further consideration of said report, and moved the adoption of the following resolution, offered by Mr. Seward in committee of the whole, as an amendment thereto:

*Resolved* (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board to the reduction of canal tolls, to the extent named in their schedule transmitted to the Assembly of this State by the Auditor of the Canal Department, on the 19th day of March last.

Mr. Page moved the following as a substitute:

*Resolved*, That the Legislature do disagree with the recommendations of the Canal Board, and that the toll sheet shall remain as fixed for the year 1874.

Mr. Speaker put the question whether the House would agree to said substitute, and it was determined in the negative.

By unanimous consent, Mr. Ransom moved to amend as follows:

"And that the Legislature recommend and consent to a reduction of tolls on timber in the same rates as on lumber."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Ransom, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, as amended, and it was determined in the affirmative.

{ AYES 72 }  
{ NOES 27 }

Those who voted in the affirmative, were

Alvord	Comstock	Ives	Rich
Barkley	Costigan	W. Johnson	Schenck
Barrow	Daly	W. A. Johnson	Schieffelin
Beach	Davis	Keenan	Schuyler
Benedict	Dessar	Kennaday	Seward
Bennett	Edson	Kirk	Shiel
Berry	Farrar	Kshinka	Slingerland
Bordwell	Fay	Lawson	Smith
Bowen	Fish	Lewis	Speaker
Bradley	Friend	McGowan	Stauf
Brogan	Gallagher	McGroarty	G. Taylor
Brown	Hammond	J. W. Miller	W. F. Taylor
Calkins	Hanrahan	Muller	Tremain
T. C. Campbell	Hauschel	Oakley	Waehner
T. J. Campbell	Hess	Petty	Wenzel
Christopher	Holmes	Prince	Whitmore
Clark	Hussey	Ransom	Worth
Coffey	Husted	Reilly	Wurts

Those who voted in the negative, were

Badger	Gedney	Lillybridge	Russell
Bishop	Green	Merwin	Sanford
Cole	Griffin	Page	Scudder
Cooke	Hepburn	Peck	Shattuck

Daggett  
Decker  
Ely

Hinckley  
Hogan  
Law

Pierson  
Pope  
Roscoe

Wellington  
Willis

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The House again resolved itself into a committee of the whole on the bill entitled as follows :

“An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages.”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bradley, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Prince moved that said bill and G. O. 460 and 518, be made a special order for to-morrow evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Bradley introduced a bill entitled “An act to amend an act entitled ‘An act to regulate processions and parades in the cities of the State of New York,’ chapter 590, Laws of 1872, passed May 7, 1872,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Mr. Speaker announced Messrs. Prince, Kennaday, Sherman, T. C. Campbell and Seward as a committee of conference on the bill entitled “An act to provide for the organization and regulation of certain business corporations.”

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have appointed a committee of conference thereon.

On motion of Mr. Beach, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled “An act to authorize the reduction of the capital stock of the New York Loan and Indemnity Company in the city of New York, and to change its corporate name,” and the same ordered engrossed and to a third reading.

Leave of absence was granted to Mr. McAfee indefinitely.

On motion of Mr. T. C. Campbell, at 9 o'clock and 15 minutes, the House adjourned.

THURSDAY, APRIL 29, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. D. L. Schwartz.

The reading of the journal of yesterday was dispensed with.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

“An act to dispose of the surplus lands known as the Seamen's Retreat, in the county of Richmond, and for the payment of the debt of the Seamen's Fund and Retreat of the city of New York.”

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, amended January 12, 1872, amended May 22, 1872."

"An act to incorporate the New York Cheap Transportation Association."

"An act to appoint commissioners to erect a city hall in and for Long Island City, and to provide for the expenses of the same."

"An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city,' passed April 7, 1866."

"An act authorizing the appointment of centennial commissioners."

"An act releasing the interest of the State in certain lands of which Mary Ann Thompson died possessed to Christopher G. Mason."

"An act to release the interest of the people of the State of New York in the real estate of which Patrick Lynch, late of the city of Rochester, died seized."

"An act supplementary to chapter 474 of the Laws of 1871, entitled 'An act to incorporate the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church.'"

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

"An act to amend chapter 798 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Catholic Association of the city of Buffalo,' passed April 27, 1871."

"An act to amend the charter of the American Institute of the city of New York."

"An act to legalize the acts of the several boards of health in the towns of Kings county, and in the towns of Newtown, Flushing and Jamaica, in the county of Queens."

"An act to provide for the improvement of portions of Commercial street and Union place, in the city of Brooklyn."

"An act relating to armories in the city of New York."

"An act to authorize the erection of a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll-bridge over said outlet near Moon's Lake House."

"An act relating to the repavement of streets, avenues and highways in the city of New York heretofore paved with wood or concrete."

"An act to authorize the filling of the Chenango canal extension at the crossing of Robinson and Eldridge streets in the city of Binghamton."

"An act to change the commissioners for the construction of a bridge across the Hudson river at or near the mouth of North creek, in Warren county."

"An act to amend article 3 of title 3 of chapter 6 of part 2 of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate."

"An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company for the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke.'"

"An act authorizing the common council of the city of New York to

re-open a part of Bloomingdale road, or Broadway, in the city of New York."

"An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county.'"

"An act to further amend chapter 138 of the Laws of 1858, entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair,' passed March 24, 1857, passed April 12, 1858."

"An act in relation to the Port road in the city of Brooklyn."

"An act to prevent fishing within three years in the waters of Lawson's and McCulloch's lake, in the county of Albany."

"An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water, and to protect said village and the property therein against loss by fire.'"

"An act to amend section 15 of article 1 of chapter 3 of part 1 of the Revised Statutes, relative to the paying over of moneys by the collectors of taxes in the several towns of this State."

"An act to legalize the official acts of Milo S. Day, a justice of the peace of the town of Harford, Cortland county."

"An act to enlarge the jail limits of the county of Yates."

"An act to amend an act entitled 'An act to amend the charter of the city of Buffalo,' passed April 28, 1870.'"

"An act to provide for the removal of obstructions from the Delaware river and certain of its branches, and to make an appropriation therefor."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.'"

"An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 6, 1874."

"An act to amend chapter 610 of Laws of 1874, entitled 'An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

"An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania.'"

"An act to provide for the continuance of certain suits or actions."

"An act to authorize the trustees of the village of Norwich, Chenango county, to buy real estate and erect a building thereon for the use of the fire department of said village, and for a village hall."

"An act to amend chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh,' also to amend chapter 551 of the Laws of 1872, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh.'"

"An act to amend an act passed April 3, 1867, entitled 'An act in relation to railroads held under lease.'"

"An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York.'"

"An act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871."

"An act in relation to the cleaning of the streets, avenues, lanes, alleys, places, wharves, piers and heads of slips in the city of New York, and the removal of ashes, garbage, rubbish and sweepings therefrom, and for the creation of a department to be known and entitled 'The department of street cleaning of the city of New York,' the head of which shall be known and entitled 'The Commissioner of Street Cleaning,' who shall take charge of and perform said work, and to secure a more effectual state of cleanliness and a better sanitary condition of the streets of said city than has heretofore existed."

"An act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company and the American Tontine Life Insurance Company."

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

"An act for the relief of Wheeler H. Bristol."

"An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof."

"An act for the better security of railroad employees for labor performed."

"An act providing for the appointment of marshals in the annexed district in the city and county of New York."

The Senate returned the bill entitled "An act to amend chapter 192 of the Laws of 1836, entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 18, strike out the word "not."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Roscoe
Barkley	Edson	Lawrence	Russell
Beach	Ely	Lawson	Schenck
Beardsley	Farrar	Lewis	Schuyler
Benedict	Faulkner	Lincoln	Seward
Berry	Fay	McAfee	Shattuck
Bishop	Friend	McGowan	Silverman
Bordwell	Gallagher	McGroarty	Smith
Bowen	Green	Merwin	Speaker
Bradley	Griffin	J. W. Miller	Stephens
Braman	Hammond	Oakley	Struble
Brogan	Hanrahan	Page	G. Taylor
Burtis	Hinckley	Peck	W. F. Taylor



Calkins	Hogan	Petty	Tewksbury
Christopher	Holmes	Pierson	Waehner
Clark	Hussey	Prince	Wellington
Coffey	Ives	Ransom	Wenzel
Cole	W. A. Johnson	Reilly	Witbeck
Daggett	Kennaday	Rich	Wurts
Daly			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act further to amend chapter 305 of the Laws of 1844, entitled 'An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the several cities in this State (except in the city of New York), and in the villages of Syracuse, Williamsburg, Geneva, Canandaigua, Oswego and Auburn,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. Section 1 of chapter 489 of the Laws of 1873, entitled 'An act to amend an act entitled An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, and as amended by chapter 558 of the Laws of 1869, entitled 'An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga,' is hereby amended so as to read as follows:

"§ 1. Any person who shall hereafter perform any labor in erecting, altering or repairing any house, building or appurtenances to any house, building or building lot, including fences, sidewalks, paving, wells, fountains, fish-ponds, fruit and ornamental trees, and every improvement whatever to any such house, building or building lot in either of the counties of this State, except Kings, Queens, New York, Onondaga and Rensselaer, and except the city of Buffalo, or who shall furnish any materials therefor, with the consent of the owner, being such owner as is in this section hereinafter described, shall, on filing with the county clerk of the county in which the property is situated, the notice prescribed by the fourth section of this act, have a lien for the value of such labor and materials upon such house, building or appurtenances and upon the lot, premises, parcel or farm of land upon which the same shall stand to the extent of the right, title and interest of the owner of the property, whether owner in fee or of a less estate, or whether a lessee for a term of years thereafter, or vendee in possession under a contract existing at the time of the filing of said notice, or any right, title and interest in real estate against which an execution at law may now be issued under the general provisions of the statutes in force in this State relating to liens of judgment and enforcement thereof.

"§ 2. This act shall take effect immediately."

Amend the title so as to read, "An act to amend chapter 489 of the Laws of 1873, entitled 'An act to amend an act entitled An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,'



passed April 17, 1854, and as amended by chapter 558 of the Laws of 1869, entitled 'An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga.' "

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Barkley	Dessar	Kshinka	Schuyler
Beach	Edson	Law	Shattuck
Beardsley	Ely	Lawson	Sherwood
Benedict	Farrar	Lincoln	Silverman
Bennett	Faulkner	McGowan	Smith
Berry	Fay	McGroarty	Speaker
Bishop	Friend	J. W. Miller	Stephens
Bradley	Gallagher	Oakley	Struble
Braman	Gedney	Page	Talmage
Broas	Green	Peck	G. Taylor
Brogan	Griffin	Petty	W. F. Taylor
Burtis	Hanrahan	Pierson	Tewksbury
Calkins	Hinckley	Prince	Vosburgh
Christopher	Hogan	Ransom	Waehner
Clark	Holmes	Reilly	Wenzel
Cole	Ives	Rich	Whitmore
Comstock	W. A. Johnson	Roscoe	Worth
Daggett	Kennaday	Russell	Wurts
Daly			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the 'Military Code,' " with a message informing of concurrence in the passage of the same, with the following amendments:

Section 10, lines 9 and 10, strike out the words "and he shall have the charge of rifle practice throughout the State."

Lines 13 and 14, strike out the words "report direct to the inspector-general with respect to all matters appertaining to his duties," and insert the words "have charge of rifle practice throughout the State, and shall direct the manner in which the same shall be conducted. He shall report direct to the inspector-general. The division, brigade and regimental inspectors of rifle practice shall perform such duties as may from time to time be prescribed by the general inspector of rifle practice, with the approval of the inspector-general."

Line 15, strike out the word "and," and put a capital O to the word "on."

Section 51, line 14, insert after the word "separate" the words "regiment, battalion."

Section 59, line 13, strike out the word "fifteenth" and insert the word "first." Line 14, strike out the word "April" and insert the word "May."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths being present, and two-thirds of the members present voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schnyler
Badger	Dessar	Kshinka	Scudder
Barkley	Edson	Lawrence	Seward
Beach	Ely	Lawson	Shattuck
Beardsley	Farrar	Lincoln	Sherwood
Benedict	Faulkner	Mackin	Silverman
Bennett	Fish	McGowan	Smith
Berry	Friend	McGroarty	Speaker
Bishop	Gallagher	Merwin	Stephens
Bordwell	Gedney	J. W. Miller	Talmage
Bradley	Green	Oakley	G. Taylor
Braman	Hammond	Page	W. F. Taylor
Broas	Hanrahan	Petty	Tewksbury
Burtis	Hauschel	Prince	Vosburgh
Calkins	Hess	Ransom	Waehner
T. J. Campbell	Hinckley	Reilly	Wellington
Christopher	Hogan	Rich	Wenzel
Clark	Holmes	Roscoe	Whitmore
Cole	Hussey	Russell	Willis
Comstock	Ives	Sanford	Witbeck
Daggett	W. A. Johnson	Schenck	Wurts
Daly	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act to amend chapter 399 of the Laws of 1874, entitled 'An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year 1874, for the construction of new work upon and extraordinary repairs of the canals of this State,' passed May 9, 1874," in the words following:

Your committee having met and duly considered the same, have agreed to recommend that the Assembly assent to the amendment made by the Senate, striking out in section 2, lines 5, 6, 7 and 8, engrossed bill, the words "enlargement work at Whitehall and elsewhere on the Champlain canal, under contract at the time of the passage of this act," and insert in lieu thereof the words "construction of wall between the

canal and Wood creek, in the village of Whitehall, also a vertical wall on the berme side in said village." Also, in lines 8 and 9, strike out the words "one hundred and fifty-four" and insert the word "seventy." Also, in line 12, after the word "interest" insert the words "and to pay for enlargement work at Bemus Heights, the sum of twenty-one thousand three hundred and eighty-five dollars, with interest thereon." Add at the end of section 2 the following: "No provision of this act shall be construed as approving, adopting or legalizing any action of the Canal Board, Canal Commissioners or Contracting Board, which was unauthorized or not in conformity with law when the act was done."

And they agree to recommend that section 2 be amended by adding thereto at the end thereof, as above amended by the Senate and agreed to by the Assembly, the words "except that the amount hereby appropriated may be paid as herein directed, without in any manner thereby determining or affecting the validity of such action."

DAN H. COLE,  
A. P. LANING,  
A. C. MCGOWAN,  
*Senate Committee.*

A. S. PAGE,  
E. E. DAVIS,  
L. C. G. KSHINKA,  
THOS. G. ALVORD,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Barkley	Edson	Kshinka	Seward
Barrow	Ely	Lawrence	Sherwood
Beardsley	Farrar	Lawson	Silverman
Benedict	Faulkner	Lillybridge	Smith
Bennett	Fish	Lincoln	Speaker
Berry	Friend	McGowan	Stephens
Bishop	Gallagher	McGroarty	Struble
Bordwell	Gedney	J. W. Miller	Talmage
Braman	Griffin	Oakley	G. Taylor
Broas	Hanrahan	Page	W. F. Taylor
Brogan	Hauschel	Peck	Tewksbury
Calkins	Hess	Petty	Vosburgh
T. J. Campbell	Hinckley	Pierson	Waehner
Christopher	Hogan	Prince	Wellington
Clark	Holmes	Ransom	Wenzel
Cole	Hussey	Reilly	Whitmore
Comstock	Ives	Rich.	Willis
Daggett	W. Johnson	Russell	Witbeck
Daly	W. A. Johnson	Sanford	Worth
Davis	Kennaday	Schenck	Wurts

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act to provide for the aid and support of the poor in the counties of Erie, Kings and New York," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. The board of estimate and apportionment of the city of New York shall include in their annual estimates, and the boards of supervisors of the several counties of New York, Erie and Kings, are hereby authorized and directed to annually levy and raise by taxation such amounts as they may consider necessary in aid and support of the poor of their respective counties, and to appropriate and pay such proportion thereof as they may severally deem necessary or proper to the various charitable or reformatory institutions in their respective counties, in aid and support of the poor of such counties who are cared for or supported in or by such institutions respectively.

"§ 2. No appropriation or payment shall be made to any charitable institution by any board of supervisors of the counties of New York and Kings under the preceding section, except to institutions to which such board of supervisors were, during the year 1874, authorized to appropriate and pay moneys in aid and support of the poor cared for or supported therein or thereby, nor shall any payment be made to any such institution thereunder in excess of the amount authorized to be paid to it by any such board of supervisors during said year, except in cases where such payment has been made to an institution per capita, in which latter case no greater amount shall be appropriated to it, per capita, than is authorized to be made to such institution by existing laws.

"§ 3. This act shall not in any way affect or repeal the existing provisions of law providing for the raising and paying by any board of supervisors, or board of estimate and apportionment, of any specific amount per capita or amounts per capita to any charitable or reformatory institution in aid or support of the poor supported or cared for therein or thereby.

"§ 4. The board of estimate and apportionment of the city and county of New York, and the board of estimate in the city of Brooklyn and county of Kings, are hereby authorized to include in their annual estimate of the amounts required for the expenses of said cities and counties respectively, the amounts prescribed by law to be raised and paid to the various charitable or reformatory institutions or protectory or juvenile asylums in such cities and counties respectively, in aid and support of the poor supported or cared for therein or thereby. Said boards of estimate and apportionment are respectively hereby further authorized from time to time, and in sums according to their discretion, by resolution of said boards, to appropriate all excise moneys, except those heretofore appropriated by law in the city of Brooklyn, derived by the excise commissioners in said cities and counties respectively, from licenses for the sale of intoxicating liquors, to such benevolent or charitable institutions in said cities which shall gratuitously aid, support or assist the poor thereof, as may seem to said boards deserving or proper, but no such resolution shall be valid unless adopted by a majority vote of all the members elected to the said boards; and the comptrollers of the said cities respectively shall draw their warrants in favor of such institutions respectively mentioned in such resolutions according to the tenor thereof, and the chamberlain of said city of New York and the treasurer of the city of Brooklyn shall pay such warrants out of the said moneys received

for licenses, which are hereby directed to be deposited with and paid over to them within thirty days after they are received.

"§ 5. The term poor, as used in this act, shall include persons who would otherwise become a town charge upon the respective counties as foundlings, orphans, and such prostituted or fallen women and juvenile delinquents as may be committed to or cared for gratuitously in any or by any reformatory institution, protectory or juvenile asylum, persons who are supported, relieved or cared for gratuitously in or by any charitable institution for the care or relief of the ruptured or crippled, the cure of hip or spinal diseases, the sick or the destitute, friendless or infirm, including the children of volunteers dying in the late civil war, and the care or instruction of idiots, the deaf and dumb, the blind and the insane.

"§ 6. No payments shall be made in pursuance of this act, except as a per capita allowance for the poor and destitute persons actually supported, treated, cared for or educated in the institutions referred to in this act, except in the care of the American Female Guardian Society and Home for the Friendless, the Children's Aid Society, the Shepherd's Fold of the Protestant Episcopal Church, who shall severally receive only the same amounts as provided by existing laws.

"§ 7. This act shall take effect immediately."

The amendments having been read,

Mr. Gedney moved to lay the same on the table, and that they be printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 73 }  
{ NOES 30 }

Those who voted in the affirmative, were

Barkley	Dessar	Lawrence	Schnyler
Beardsley	Edson	Lewis	Scudder
Benedict	Ely	Mackin	Seward
Berry	Farrar	McGowan	Shiel
Bradley	Faulkner	McGroarty	Silverman
Braman	Fish	Merwin	Smith
Broas	Gallagher	J. W. Miller	Speaker
Brogan	Griffin	Muller	Stephens
Brown	Hanrahan	Oakley	Struble
Burtis	Hauschel	O'Keefe	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hinckley	Pierson	Tremain
Christopher	Hogan	Prince	Vosburgh
Cleary	Holmes	Ransom	Waehner
Cole	Husted	Reilly	Wellington
Cooke	Ives	Rich	Wenzel
Costigan	Kirk	Roscoe	Witbeck
Daggett	Krack	Schenck	Wurts
Daly			

Those who voted in the negative were,

Alvord	Comstock	W. A. Johnson	Sanford
Badger	Decker	Lawson	Shattuck
Barrow	Fay	Lincoln	W. F. Taylor
Bishop	Friend	Peck	Tewksbury
Bordwell	Gedney	Petty	Vedder
Bowen	Green	Pope	Whitmore
Calkins	Hepburn	Russell	Willis
Clark	Hussey		

*Ordered*, That the Clerk return said bill to the Senate with a message informing of concurrence in their amendments.

Mr. Brown rose in his place and requested to have his name entered upon the journal as having voted in favor of the resolution passed by the House yesterday on the canal toll question.

Said request was granted.

On motion of Mr. Prince, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return of Assembly bill No. 166, entitled "An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes, passed April 20, 1866, as to travel fees of constables,'" for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

Mr. Alvord moved to reconsider the vote by which the bill entitled "An act authorizing the payment of certain employees of the Assembly for services," was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 4 }

Those who voted in the affirmative, were

Alvord	Daly	Lawrence	Schenck
Badger	Decker	Lawson	Seward
Barkley	Edson	Lewis	Shattuck
Barrow	Ely	Lincoln	Sherwood
Beardsley	Farrar	Mackin	Shiel
Berry	Faulkner	McGowan	Speaker
Bishop	Fay	McGroarty	Stacy
Bowen	Fish	Merwin	Stephens
Braman	Friend	J. W. Miller	Struble
Broas	Gedney	Muller	Talmage
Brogan	Hammond	Oakley	G. Taylor
Brown	Hanrahan	O'Keefe	W. F. Taylor
Burtis	Hanschel	Page	Tewksbury
Calkins	Hess	Peck	Tremain

T. C. Campbell	Hinckley	Petty	Vedder
Christopher	Hogan	Pierson	Vosburgh
Cleary	Holmes	Pope	Waehner
Cole	Hussey	Prince	Wellington
Comstock	Husted	Reilly	Willis
Cooke	Ives	Rich	Witbeck
Costigan	Kirk	Roscoe	Wurts

Those who voted in the negative, were

Dessar	Griffin	Hepburn	Krack
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On motion of Mr. Alvord, and by unanimous consent, said bill was amended as follows:

Amend section 1 by inserting after the word "seventy-five," in the fourth line of the first section the following: "And Edward E. Coventry as assistant superintendent of documents of the Assembly, the sum of five dollars per day from the 5th day of January, 1875."

Strike out the words "to William N. Brinkerhoff five dollars per day from the 12th day of January, for services in the wrapping department."

Mr. Speaker put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Comstock	Kennaday	Schenck
Badger	Costigan	Kshinka	Schieffelin
Barkley	Daly	Lawrence	Schuyler
Beach	Decker	Lawson	Seward
Benedict	Edson	Lewis	Shattuck
Berry	Farrar	Lincoln	Shiel
Bishop	Faulkner	Mackin	Speaker
Bordwell	Fish	McGroarty	Stacy
Bowen	Friend	Merwin	Stephens
Bradley	Gallagher	J. W. Miller	Talmage
Braman	Gedney	Muller	G. Taylor
Broas	Green	O'Keefe	W. F. Taylor
Brogan	Griffin	Page	Tewksbury
Brown	Hammond	Peck	Tremain
Burtis	Hanrahan	Petty	Vosburgh
Calkins	Hinckley	Pierson	Waehner
T. C. Campbell	Hogan	Pope	Wellington
T. J. Campbell	Holmes	Prince	Wenzel
Christopher	Hussey	Ransom	Whitmore
Clark	Husted	Reilly	Witbeck
Cole	Ives	Sanford	

Those who voted in the negative, were

Barrow	Willis
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.



By unanimous consent, Mr. Waehner offered for the consideration of the House a resolution, in the words following:

*Whereas*, The judiciary committee was directed by resolution of this House to inquire into an alleged tampering with the supply bill of 1874, and,

*Whereas*, The said investigation necessitates the employment of counsel and of a stenographer; therefore,

*Resolved*, That the appointment of counsel and of a stenographer by the sub-committee of said committee be and the same is hereby authorized.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kirk	Schuyler
Barkley	Daly	Kshinka	Soudder
Barrow	Decker	Law	Seward
Benedict	Farrar	Lawrence	Shattuck
Berry	Faulkner	Lawson	Shiel
Bishop	Fay	Lewis	Smith
Bordwell	Fish	Lincoln	Speaker
Bowen	Friend	Mackin	Stephens
Bradley	Gallagher	McGroarty	Talmage
Braman	Gedney	Merwin	G. Taylor
Broas	Griffin	Page	W. F. Taylor
Brown	Hepburn	Petty	Tewksbury
Burtis	Hess	Pope	Tremain
Calkins	Hinckley	Prince	Vedder
T. C. Campbell	Hogan	Ransom	Waehner
Christopher	Holmes	Reilly	Wellington
Clark	Hussey	Russell	Whitmore
Cole	Husted	Sanford	Willis
Comstock	Ives	Schenck	Witbeck
Cooke	Kennaday	Schieffelin	Wurts
Costigan			

On motion of Mr. T. C. Campbell, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting the return, for amendment, of Assembly bill No. 173, entitled "An act to amend and supplementary to chapter 362 of the Laws of 1872, entitled 'An act to incorporate the Mutual Trust Institution of New York.'"

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

A message from the Senate was received and read informing of concurrence in the resolution requesting the return from the Governor of Assembly bill No. 283, entitled "An act for the preservation of fish in the waters of Oak Orchard creek, in the counties of Genesee and Orleans."

Also, the resolution requesting the return from the Governor of Assembly bill No. 208, entitled "An act to amend chapter 26 of the Laws of 1874, entitled 'An act authorizing the formation of corpora-

tions to secure camp grounds and other property connected therewith for the use of the Methodist Church,' passed February 20, 1874."

*Ordered*, That the Clerk deliver said resolutions to the Governor.

The bill entitled "An act to give validity to the act of the president of the board of trustees of 1874 of the village of Nelsonville, in the county of Putnam, in administering the oath of office to the trustees elected at the annual election, and to confirm the official acts and proceedings of officers of preceding boards," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schenck
Badger	Decker	Krack	Schieffelin
Beach	Edson	Kshinka	Soudder
Benedict	Ely	Lawrence	Seward
Bennett	Farrar	Lawson	Sherwood
Berry	Faulkner	Lillybridge	Smith
Bishop	Fay	Lincoln	Speaker
Bordwell	Fish	McGowan	Stephens
Bradley	Friend	McGroarty	Struble
Braman	Gallagher	J. W. Miller	Talmage
Broas	Green	Oakley	G. Taylor
Burtis	Griffin	Page	W. F. Taylor
Calkins	Hanrahan	Peck	Tewksbury
T. C. Campbell	Hauschel	Petty	Tremain
Christopher	Hepburn	Prince	Vedder
Clark	Hinckley	Ransom	Vosburgh
Cole	Hogan	Rich	Waehner
Comstock	Holmes	Roscoe	Wenzel
Cooke	Ives	Russell	Willis
Costigan	W. A. Johnson	Sanford	Worth
Daggett	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to extend the time for the collection of taxes in the county of Richmond," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schieffelin
Badger	Edson	Lawrence	Schuyler

Barrow	Ely	Lawson	Scudder
Beardsley	Farrar	Lewis	Shattuck
Benedict	Faulkner	Lincoln	Sherwood
Berry	Fay	McAfee	Silverman
Bishop	Fish	McGowan	Smith
Bordwell	Friend	McGroarty	Speaker
Bradley	Gallagher	J. W. Miller	Stacy
Braman	Green	Muller	Stephens
Broas	Griffin	Oakley	Talmage
Brogan	Hanrahan	Page	G. Taylor
Burtis	Hauschel	Peck	W. F. Taylor
Calkins	Hess	Petty	Tremain
T. C. Campbell	Hinckley	Pierson	Vedder
T. J. Campbell	Hogan	Pope	Vosburgh
Christopher	Hussey	Prince	Waehner
Clark	Husted	Ransom	Wellington
Cole	W. A. Johnson	Roscoe	Wenzel
Comstock	Kennaday	Russell	Willis
Costigan	Kirk	Sanford	Witbeck
Daggett	Krack	Schenok	Wurts
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the Croton aqueduct in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	W. A. Johnson	Schenok
Badger	Daly	Kennaday	Schieffelin
Barrow	Decker	Kirk	Scudder
Beach	Dessar	Krack	Seward
Beardsley	Edson	Kshinka	Shattuck
Benedict	Ely	Lawrence	Sherwood
Bennett	Farrar	Lawson	Silverman
Berry	Faulkner	Lillybridge	Smith
Bordwell	Fish	Lincoln	Speaker
Bradley	Friend	Mackin	Stephens
Braman	Gallagher	McGowan	Struble
Broas	Gedney	McGroarty	Talmage
Brown	Green	J. W. Miller	G. Taylor
Burtis	Griffin	Oakley	W. F. Taylor
Calkins	Hanrahan	Page	Tewksbury
T. C. Campbell	Hauschel	Peck	Vedder
T. J. Campbell	Hess	Pierson	Vosburgh
Christopher	Hinckley	Pope	Waehner
Clark	Hogan	Prince	Wellington

Cleary	Holmes	Ransom	Wenzel
Cole	Hussey	Rich	Willis
Comstock	Husted	Roscoe	Witbeck
Cooke	Ives	Russell	Worth

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the care, custody and management of the water-works of the city of Rochester, and to regulate the collection of water rents in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schieffelin
Badger	Dessar	Krack	Schuyler
Barkley	Edson	Kshinka	Scudder
Beach	Ely	Lawrence	Seward
Benedict	Farrar	Lawson	Shattuck
Bennett	Faulkner	Lewis	Sherwood
Berry	Fay	Lincoln	Silverman
Bishop	Fish	Maackin	Smith
Bordwell	Friend	McGowan	Stacy
Bowen	Gallagher	McGroarty	Stephens
Bradley	Green	Merwin	Struble
Braman	Griffin	J. W. Miller	Talmage
Brogan	Hanrahan	Muller	G. Taylor
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hepburn	Page	Tewksbury
T. C. Campbell	Hess	Peck	Vedder
T. J. Campbell	Hinckley	Petty	Vosburgh
Christopher	Hogan	Pope	Waehner
Clark	Holmes	Prince	Wenzel
Coffey	Husted	Ransom	Whitmore
Cole	Ives	Rich	Witbeck
Cooke	W. A. Johnson	Russell	Worth
Daggett	Keenan	Sanford	Wurts
Daly	Kennaday	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Schieffelin
Badger	Davis	Keenan	Scudder
Barrow	Decker	Kirk	Seward
Beardsley	Dessar	Krack	Shattuck
Benedict	Edson	Kshinka	Sherwood
Bennett	Ely	Lawrence	Shiel
Berry	Farrar	Lawson	Slingerland
Bishop	Faulkner	Lillybridge	Speaker
Bordwell	Fay	Lincoln	Stacy
Bradley	Friend	McGowan	Stephens
Braman	Gallagher	McGroarty	Struble
Brogan	Gedney	J. W. Miller	G. Taylor
Burtis	Griffin	Muller	W. F. Taylor
Calkins	Hammond	Oakley	Tewksbury
T. C. Campbell	Hanrahan	Peck	Vedder
T. J. Campbell	Hauschel	Petty	Vosburgh
Christopher	Hess	Pierson	Waehner
Clark	Hinckley	Prince	Wenzel
Coffey	Holmes	Ransom	Whitmore
Cole	Hussey	Rich	Witbeck
Cooke	Husted	Russell	Worth
Costigan	W. Johnson	Schenck	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Badger	Edson	Kshinka	Seward
Barrow	Ely	Lawrence	Sherman
Beardsley	Farrar	Lawson	Sherwood
Benedict	Fay	Lillybridge	Silverman
Bennett	Fish	Lincoln	Slingerland
Berry	Friend	McGowan	Speaker
Bordwell	Gallagher	McGroarty	Stauf
Bradley	Green	Merwin	Struble
Braman	Griffin	J. W. Miller	Talmage
Broas	Hammond	Oakley	G. Taylor
Burtis	Hauschel	O'Keefe	W. F. Taylor
Calkins	Hess	Peck	Tewksbury

T. C. Campbell	Hinckley	Petty	Vedder
T. J. Campbell	Hogan	Pope	Vosburgh
Christopher	Holmes	Prince	Wellington
Clark	Hussey	Ransom	Wenzel
Coffey	Husted	Roscoe	Whitmore
Cole	Ives	Russell	Witbeck
Cooke	W. A. Johnson	Schenck	Worth
Daly	Kennaday	Schieffelin	Wurts
Decker	Kirk		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the city of Schenectady to raise money for school purposes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schenck
Badger	Decker	Krack	Schieffelin
Barkley	Dessar	Kshinka	Schuyler
Beach	Edson	Lawrence	Scudder
Beardsley	Ely	Lawson	Shattuck
Benedict	Farrar	Lewis	Sherwood
Bennett	Faulkner	Lincoln	Shiel
Berry	Friend	Mackin	Silverman
Bishop	Gallagher	McAfee	Smith
Bordwell	Gedney	McGowan	Speaker
Bradley	Green	McGroarty	Stephens
Braman	Hammond	J. W. Milier	Struble
Brogan	Hanrahan	Oakley	G. Taylor
Burtis	Hepburn	Page	W. F. Taylor
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Hinckley	Petty	Vedder
T. J. Campbell	Hogan	Pierson	Vosburgh
Christopher	Hussey	Pope	Wellington
Clark	Husted	Prince	Wenzel
Coffey	Ives	Ransom	West
Cole	W. Johnson	Rich	Witbeck
Comstock	W. A. Johnson	Roscoe	Worth
Costigan	Kennaday	Russell	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm the proceedings of supervisors and justices of the peace of the several towns in the county of Kings, relating to town sealers," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schieffelin
Badger	Dessar	Krack	Schuyler
Barkley	Edson	Kshinka	Seward
Barrow	Ely	Lawrence	Shattuck
Beach	Farrar	Lawson	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Bennett	Fish	Lincoln	Slingerland
Berry	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Stauf
Bradley	Green	McGroarty	Stephens
Braman	Griffin	J. W. Miller	Struble
Broas	Hanrahan	Muller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	W. F. Taylor
T. C. Campbell	Hess	Peck	Tewksbury
T. J. Campbell	Hinckley	Petty	Vedder
Christopher	Hogan	Pierson	Vosburgh
Cleary	Holmes	Pope	Waehner
Coffey	Hussey	Prince	West
Cole	Ives	Ransom	Whitmore
Comstock	W. Johnson	Rich	Witbeck
Cooke	W. A. Johnson	Russell	Worth
Daggett	Kennaday	Schenck	Wurts
Daly			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act further to amend chapter 229, Laws of 1870, entitled 'An act to organize and establish a police for the city of Schenectady,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Russell
Badger	Davis	Keenan	Sanford
Barkley	Dessar	Kennaday	Schenck
Beach	Edson	Kirk	Schuyler
Beardsley	Ely	Krack	Scudder
Benedict	Farrar	Kshinka	Shattuck
Bennett	Faulkner	Lawrence	Sherwood
Bishop	Fay	Lewis	Smith



Bordwell	Fish	Lillybridge	Speaker
Bradley	Friend	Lincoln	Stauf
Braman	Gallagher	McAfee	Stephens
Brogan	Green	McGowan	Talmage.
Brown	Griffin	McGroarty	G. Taylor
Burtis	Hanrahan	Merwin	W. F. Taylor
Calkins	Hauschel	J. W. Miller	Tremain
T. C. Campbell	Hepburn	Oakley	Vedder
T. J. Campbell	Hess	O'Keefe	Vosburgh
Christopher	Hinckley	Page	Waehner
Clark	Holmes	Petty	Wenzel
Cleary	Hussey	Pierson	Willis
Cole	Husted	Pope	Witbeck
Cooke	Ives	Ransom	Worth
Costigan	W. Johnson	Rich	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the board of trustees of the village of Athens, in the county of Greene, to permit gas-pipes to be laid in the streets of said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Badger	Dessar	Krack	Schuyler
Barrow	Edson	Kshinka	Scudder
Beach	Ely	Lawrence	Seward
Benedict	Farrar	Lawson	Sherman
Bennett	Faulkner	Lillybridge	Sherwood
Berry	Fay	Lincoln	Silverman
Bordwell	Friend	McAfee	Smith
Bowen	Gallagher	McGowan	Speaker
Braman	Gedney	McGroarty	Stauf
Broas	Griffin	J. W. Miller	Struble
Brown	Hammond	Muller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hauschel	Page	W. F. Taylor
T. C. Campbell	Hepburn	Peck	Tremain
T. J. Campbell	Hinckley	Petty	Vedder
Christopher	Holmes	Pope	Waehner
Cleary	Hussey	Prince	Wenzel
Coffey	Husted	Reilly	Willis
Comstock	Ives	Rich	Witbeck
Cooke	W. Johnson	Russell	Worth
Costigan	Kennaday	Sanford	Wurts
Daly			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act further to amend chapter 321 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daggett	Kennaday	Sanford
Badger	Daly	Kirk	Schenck
Barrow	Decker	Krack	Schnyler
Beach	Dessar	Kshinka	Scudder
Beardsley	Edson	Lawrence	Shattuck
Benedict	Ely	Lawson	Sherman
Bennett	Farrar	Lewis	Shiel
Berry	Faulkner	Lincoln	Silverman
Bordwell	Friend	McAfee	Smith
Bowen	Gedney	McGowan	Stacy
Braman	Green	McGroarty	Stephens
Broas	Griffin	J. W. Miller	Struble
Brogan	Hanrahan	Oakley	G. Taylor
Burtis	Hauschel	O'Keefe	W. F. Taylor
Calkins	Hepburn	Page	Tewksbury
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hinckley	Pierson	Waehner
Christopher	Hogan	Pope	Wenzel
Cleary	Hussey	Prince	Whitmore
Coffey	Ives	Ransom	Witbeck
Comstock	W. Johnson	Reilly	Worth
Costigan	W. A. Johnson	Roscoe	Wurts

For the negative,

Fish

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 21 of the Laws of 1855, entitled 'An act in relation to non-resident highway taxes upon certain lands in Essex county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	W. A. Johnson	Roscoe
Badger	Dessar	Kennaday	Russell

Barkley	Edson	Kirk	Schenck
Beach	Ely	Krack	Schieffelin
Beardsley	Farrar	Kshinka	Scudder
Benedict	Faulkner	Lawrence	Seward
Bennett	Fay	Lawson	Sherwood
Berry	Friend	Lillybridge	Silverman
Bordwell	Gallagher	Lincoln	Smith
Bradley	Gedney	McAfee	Speaker
Braman	Griffin	McGowan	Stauf
Brogan	Hammond	McGroarty	Struble
Burtis	Hanrahan	J. W. Miller	Talmage
Calkins	Hauschel	W. Miller	G. Taylor
T. C. Campbell	Hess	Oakley	W. F. Taylor
T. J. Campbell	Hinckley	O'Keefe	Tremain
Christopher	Hogan	Page	Waehner
Cleary	Holmes	Petty	Wellington
Coffey	Hussey	Pierson	West
Cole	Husted	Pope	Willis
Comstock	Ives	Ransom	Worth
Costigan	W. Johnson	Reilly	Wurts
Daly			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to change the commissioners for the construction of a bridge across the Hudson river at or near the mouth of North creek, in Warren county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Russell
Badger	Decker	Kirk	Schenck
Barrow	Dessar	Krack	Schuyler
Beach	Edson	Kshinka	Scudder
Beardsley	Ely	Lawrence	Shattuck
Bennett	Farrar	Lawson	Sherwood
Berry	Faulkner	Lincoln	Silverman
Bordwell	Fish	Mackin	Slingerland
Bowen	Friend	McGowan	Speaker
Bradley	Gallagher	McGroarty	Stauf
Braman	Green	J. W. Miller	Stephens
Broas	Hammond	Muller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	W. F. Taylor
T. C. Campbell	Hinckley	Page	Tremain
T. J. Campbell	Hogan	Peck	Vedder
Christopher	Holmes	Petty	Vosburgh
Clark	Husted	Pope	Wellington

Coffey	Ives	Prince	Wenzel
Cole	W. Johnson	Ransom	Whitmore
Cooke	W. A. Johnson	Rich	Witbeck
Costigan	Keenan	Roscoe	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to open and extend Morrell street, in the city of Brooklyn, from Flushing avenue to Broadway, and to open and extend Lewis avenue, in said city, from Floyd street to Broadway," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schenck
Badger	Dessar	Kirk	Schieffelin
Barrow	Edson	Krack	Schuyler
Beach	Ely	Kshinka	Scudder
Beardsley	Farrar	Lawrence	Shattuck
Benedict	Faulkner	Lawson	Sherman
Bennett	Fay	Lillybridge	Silverman
Berry	Fish	Lincoln	Smith
Bordwell	Friend	McAfee	Stacy
Bradley	Gallagher	McGowan	Stauf
Braman	Gedney	McGroarty	Struble
Broas	Griffin	J. W. Miller	G. Taylor
Burtis	Hammond	Muller	Tewksbury
Calkins	Hanrahan	Oakley	Tremain
T. C. Campbell	Hauschel	Page	Vedder
T. J. Campbell	Hess	Peck	Vosburgh
Christopher	Hinckley	Petty	Waehner
Clark	Hogan	Pierson	Wenzel
Cleary	Holmes	Prince	Whitmore
Cole	Houghton	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Costigan	W. Johnson	Roscoe	Worth
Daggett	W. A. Johnson	Russell	Wurts
Daly	Keenan		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the erection of a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll bridge over said outlet near Moon's Lake House," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Russell
Badger	Davis	Kennaday	Schenck
Barkley	Decker	Kirk	Schuyler
Barrow	Dessar	Krack	Scudder
Beardsley	Edson	Kshinka	Shattuck
Benedict	Ely	Lawrence	Shiel
Bennett	Farrar	Lawson	Slingerland
Berry	Faulkner	Lillybridge	Smith
Bordwell	Fay	Lincoln	Stauf
Bradley	Fish	McAfee	Stephens
Braman	Gallagher	McGowan	Struble
Broas	Gedney	McGroarty	Talmage
Brown	Griffin	J. W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	W. F. Taylor
Calkins	Hauschel	O'Keefe	Tremain
T. C. Campbell	Hepburn	Peck	Vedder
T. J. Campbell	Hess	Petty	Waehner
Christopher	Hinckley	Pope	Wenzel
Cleary	Hogan	Prince	Willis
Coffey	Holmes	Ransom	Witbeck
Comstock	Hussey	Reilly	Worth
Cooke	Ives	Roscoe	Wurts
Costigan	W. Johnson		

For the negative,

Clark

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to protect the owners of bottles, boxes, baskets, casks and syphons, used in the sale of soda waters, mineral waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 72 }  
{ NOES 11 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Schuyler
Beardsley	Farrar	Lawrence	Scudder
Bennett	Faulkner	Lawson	Seward
Berry	Fay	Lewis	Shattuck
Bishop	Fish	McGowan	Shiel
Bradley	Gallagher	McGroarty	Slingerland

Braman	Green	Merwin	Smith
Broas	Griffin	J. W. Miller	Speaker
Brogan	Hanrahan	Muller	Stacy
Brown	Hauschel	O'Keefe	Stauf
Burtis	Hess	Pierson	Struble
Calkins	Hinckley	Prince	Talmage
Christopher	Hogan	Ransom	G. Taylor
Clark	Holmes	Reilly	Vedder
Cleary	Hussey	Rich	Vosburgh
Cole	Husted	Roscoe	Waehner
Costigan	W. A. Johnson	Russell	Wellington
Daggett	Keenan	Schenck	Witbeck

Those who voted in the negative, were

Benedict	Decker	Petty	Whitmore
T. C. Campbell	Ely	Schieffelin	Willis
Comstock	Hammond	Sherwood	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 529 of the Laws of 1874, entitled 'An act to provide increased facilities of the fire department of the town of New Lots,' " was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	W. A. Johnson	Russell
Badger	Daly	Kennaday	Schenck
Barkley	Decker	Kirk	Schuyler
Beach	Dessar	Krack	Souder
Beardsley	Edson	Kshinka	Shattuck
Benedict	Ely	Lawrence	Sherwood
Bennett	Farrar	Lawson	Silverman
Berry	Faulkner	Lewis	Smith
Bordwell	Fay	Lincoln	Speaker
Bowen	Friend	Mackin	Stauf
Bradley	Gallagher	McGowan	Stephens
Braman	Gedney	McGroarty	Struble
Broas	Griffin	J. W. Miller	Talmage
Burtis	Hanrahan	Muller	G. Taylor
Calkins	Hauschel	Oakley	W. F. Taylor
T. C. Campbell	Hepburn	Page	Vedder
T. J. Campbell	Hess	Peck	Waehner
Christopher	Hinckley	Petty	Wenzel
Clark	Hogan	Pierson	Whitmore
Cleary	Holmes	Pope	Witbeck
Cole	Hussey	Ransom	Worth
Comstock	Ives	Rich	Wurts
Costigan,	W. Johnson	Roscoe	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Daggett	Kirk	Schieffelin
Barkley	Daly	Krack	Scudder
Beach	Dessar	Kshinka	Sherwood
Beardsley	Edson	Lawrence	Silverman
Benedict	Farrar	Lawson	Smith
Berry	Faulkner	Lillybridge	Stacy
Bishop	Fish	Lincoln	Stephens
Bordwell	Friend	McAfee	Struble
Bradley	Gallagher	McGowan	Talmage
Braman	Green	McGroarty	G. Taylor
Brogan	Griffin	J. W. Miller	W. F. Taylor
Burtis	Hanrahan	Muller	Tewksbury
Calkins	Hauschel	Oakley	Vedder
T. C. Campbell	Hess	O'Keefe	Waehner
T. J. Campbell	Hogan	Peck	Wellington
Christopher	Holmes	Petty	West
Clark	Hussey	Pope	Whitmore
Cleary	Ives	Ransom	Witbeck
Cole	W. Johnson	Rich	Worth
Cooke	W. A. Johnson	Roscoe	Wurts
Costigan	Keenan	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the purchase of a site and the erection of a school-house in school district No. 3 of the town of Flatbush, in the county of Kings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Sanford
Badger	Dessar	Kennaday	Schenck
Barrow	Edson	Kirk	Schieffelin



Beach	Ely	Krack	Scudder
Benedict	Farrar	Kshinka	Shattuck
Bennett	Faulkner	Lawrence	Sherwood
Berry	Fish	Lawson	Silverman
Bordwell	Fream	Lillybridge	Smith
Bradley	Friend	Lincoln	Speaker
Braman	Gallagher	McAfee	Stauf
Broas	Gedney	McGowan	Struble
Burtis	Griffin	McGroarty	Talmage
Calkins	Hammond	J. W. Miller	G. Taylor
T. C. Campbell	Hanrahan	Oakley	W. F. Taylor
T. J. Campbell	Hauschel	O'Keefe	Tewksbury
Christopher	Hepburn	Peck	Vosburgh
Clark	Hinckley	Petty	Waehner
Cleary	Holmes	Pope	Wenzel
Cole	Houghton	Prince	Whitmore
Cooke	Hussey	Reilly	Witbeck
Costigan	Husted	Rich	Worth
Daly	W. Johnson	Russell	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the city of Troy, passed May 3, 1870, and the acts amendatory thereof," being announced for a third reading,

On motion of Mr. Cleary, and by unanimous consent, said bill was amended as follows:

Strike out section 1, engrossed bill, down to and including line 8, and insert in lieu thereof the following:

"SECTION 1. Section 7 of chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to amend an act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy,' is hereby amended so as to read as follows: "

Amend the title so as to read, "An act to amend chapter 129 of the Laws of 1872, entitled 'An act to amend an act passed May 3, 1870, entitled An act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof,' and also to amend other acts relating to the city of Troy."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Roscoe
Badger	Decker	Keenan	Sanford
Barkley	Dessar	Kirk	Schenck
Beach	Edson	Krack	Schieffelin
Beardsley	Ely	Kshinka	Souder

Benedict	Farrar	Law	Shattuck
Bennett	Faulkner	Lawrence	Sherwood
Berry	Fay	Lawson	Shiel
Bishop	Fish	Lillybridge	Slingerland
Bordwell	Friend	Lincoln	Smith
Bradley	Gallagher	McAfee	Stacy
Braman	Green	McGowan	Stephens
Broas	Griffin	McGroarty	Struble
Burtis	Hammond	J. W. Miller	Talmage
Calkins	Hanschel	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hinckley	Page	Vedder
Christopher	Holmes	Peck	Waehner
Clark	Houghton	Pierson	Wenzel
Cole	Husted	Pope	Willis
Comstock	Ives	Ransom	Witbeck
Cooke	W. Johnson	Rich	Wurts
Costigan			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the action of the electors of the town of Fort Covington, in the county of Franklin," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schenck
Badger	Decker	Kirk	Schieffelin
Barrow	Dessar	Krack	Scudder
Beach	Edson	Kshinka	Shattuck
Beardsley	Ely	Lawrence	Sherwood
Benedict	Farrar	Lawson	Shiel
Berry	Faulkner	Lillybridge	Slingerland
Bishop	Fish	Lincoln	Smith
Bradley	Fream	Mackin	Stauf
Braman	Gallagher	McGowan	Stephens
Brogan	Gedney	McGroarty	Talmage
Brown	Griffin	J. W. Miller	G. Taylor
Burtis	Hanrahan	Muller	Tewksbury
Calkins	Hepburn	Oakley	Vedder
T. C. Campbell	Hess	Page	Waehner
T. J. Campbell	Hinckley	Peck	Wenzel
Christopher	Holmes	Petty	Whitmore
Clark	Hussey	Pope	Willis
Cleary	Ives	Prince	Witbeck
Coffey	W. Johnson	Ransom	Worth
Comstock	W. A. Johnson	Roscoe	Wurts
Costigan			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the city of Schenectady to purchase additional fire engines, and to borrow money therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kennaday	Scudder
Badger	Daly	Krack	Shattuck
Barkley	Decker	Kshinka	Sherwood
Beach	Dessar	Lawrence	Shiel
Beardsley	Edson	Lewis	Silverman
Benedict	Ely	Lincoln	Smith
Bennett	Faulkner	Mackin	Speaker
Berry	Fish	McGowan	Stacy
Bishop	Friend	McGroarty	Stauf
Bowen	Gallagher	J. W. Miller	Stephens
Braman	Green	Muller	Struble
Brogan	Griffin	O'Keefe	G. Taylor
Brown	Hanrahan	Peck	Tewksbury
Burtis	Hauschel	Pierson	Vedder
Calkins	Hess	Pope	Vosburgh
T. C. Campbell	Hinckley	Ransom	Wellington
Christopher	Holmes	Rich	West
Cleary	Hussey	Russell	Willis
Coffey	Husted	Schenck	Worth
Cole	W. Johnson	Schieffelin	Wurts
Cooke	Keenan		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' passed April 26, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Scudder
Badger	Decker	Kshinka	Shattuck

Barkley	Dessar	Lawrence	Sherwood
Barrow	Edson	Lewis	Shiel
Beardsley	Ely	Lillybridge	Slingerland
Benedict	Farrar	Lincoln	Smith
Berry	Faulkner	McAfee	Stauf
Bordwell	Friend	McGowan	Stephens
Bradley	Gallagher	McGroarty	Talmage
Braman	Gedney	J. W. Miller	G. Taylor
Brogan	Griffin	Oakley	Tewksbury
Brown	Hammond	O'Keefe	Tremain
Burtis	Hanrahan	Peck	Vedder
Calkins	Hauschel	Petty	Waehner
T. C. Campbell	Hepburn	Pope	Wellington
T. J. Campbell	Hinckley	Prince	Wenzel
Christopher	Hogan	Ransom	West
Cleary	Houghton	Rich	Whitmore
Coffey	W. A. Johnson	Roscoe	Willis
Comstock	Keenan	Sanford	Witbeck
Cooke	Kennaday	Schenck	Worth
Costigan	Kirk	Schuyler	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release to George Wheeler the real estate of which Elizabeth Wheeler died seized," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Schieffelin
Badger	Edson	Lawrence	Scudder
Barkley	Ely	Lawson	Seward
Beach	Farrar	Lillybridge	Shattuck
Beardsley	Faulkner	Mackin	Sherwood
Benedict	Fish	McAfee	Silverman
Bennett	Friend	McGowan	Smith
Berry	Gallagher	McGroarty	Speaker
Bordwell	Gedney	Merwin	Stauf
Bradley	Griffin	J. W. Miller	Stephens
Braman	Hammond	Muller	Struble
Brogan	Hauschel	Oakley	Talmage
Brown	Hess	O'Keefe	G. Taylor
Burtis	Hinckley	Page	W. F. Taylor
Calkins	Holmes	Peck	Tremain
T. C. Campbell	Houghton	Petty	Vedder
T. J. Campbell	Husted	Pierson	Vosburgh
Christopher	Ives	Pope	Waehner
Clark	W. Johnson	Prince	Wenzel
Coffey	W. A. Johnson	Ransom	West
Cole	Keenan	Reilly	Whitmore

Cooke	Kirk	Rich	Witbeck
Costigan	Krack	Russell	Worth
Daly	Kshinka	Schenck	Wurts
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the removal of obstructions from the Delaware river and certain of its branches, and to make an appropriation therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Keenan	Sanford
Badger	Decker	Kirk	Schieffelin
Barrow	Dessar	Krack	Schuyler
Beach	Edson	Kshinka	Scudder
Benedict	Ely	Lawrence	Shattuck
Bennett	Farrar	Lawson	Sherwood
Berry	Faulkner	Lillybridge	Silverman
Bordwell	Fish	Lincoln	Slingerland
Bradley	Friend	Mackin	Speaker
Braman	Gallagher	McAfee	Stauf
Broas	Gedney	McGowan	Stephens
Brown	Griffin	McGroarty	Talmage
Burtis	Hanrahan	Merwin	G. Taylor
Calkins	Hauschel	J. W. Miller	W. F. Taylor
T. C. Campbell	Hess	Muller	Tremain
T. J. Campbell	Hinckley	Oakley	Vosburgh
Christopher	Hogan	Page	Waehner
Clark	Holmes	Peck	Wenzel
Cleary	Hussey	Petty	West
Coffey	Husted	Pope	Willis
Cole	Ives	Prince	Witbeck
Cooke	W. Johnson	Ransom	Worth
Costigan	W. A. Johnson	Rich	Wurts
Daggett			

For the negative,

Roscoe

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act providing for the more secure storage of oil in tanks or other receptacles," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 72 }  
{ NOES 8 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Roscoe
Barrow	Decker	Kirk	Sanford
Beach	Dessar	Krack	Schuyler
Benedict	Ely	Kshinka	Seward
Bennett	Farrar	Lawrence	Sherwood
Berry	Faulkner	Lewis	Speaker
Bordwell	Fish	Lincoln	Stauf
Bradley	Gallagher	Mackin	Struble
Braman	Gedney	McAfee	Talmage
Brogan	Griffin	McGowan	G. Taylor
Burtis	Hanrahan	McGroarty	Tewksbury
Calkins	Hauschel	J. W. Miller	Vedder
T. J. Campbell	Hess	Muller	Vosburgh
Christopher	Hogan	Oakley	Waehner
Cleary	Houghton	Peck	Wenzel
Cole	Hussey	Pope	Whitmore
Cooke	W. Johnson	Ransom	Witbeck
Costigan	W. A. Johnson	Rich	Wurts

For the negative,

Badger	Clark	O'Keefe	Schieffelin
T. C. Campbell	Green	Petty	Silverman

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schieffelin
Badger	Decker	Kshinka	Scudder
Barkley	Dessar	Lawrence	Shattuck
Beach	Ely	Lawson	Sherwood
Beardsley	Farrar	Lillybridge	Shiel
Bennett	Faulkner	Lincoln	Slingerland
Berry	Fish	McAfee	Smith
Bordwell	Gallagher	McGowan	Stacy
Bradley	Green	Merwin	Stephens
Braman	Griffin	J. W. Miller	Struble
Brogan	Hanrahan	Muller	G. Taylor
Burtis	Hepburn	Oakley	W. F. Taylor

Calkins	Hinckley	Page	Tewksbury
T. C. Campbell	Hogan	Peck	Vedder
T. J. Campbell	Holmes	Pierson	Vosburgh
Christopher	Hussey	Pope	Wellington
Cleary	Ives	Ransom	West
Coffey	W. Johnson	Reilly	Willis
Comstock	W. A. Johnson	Roscoe	Worth
Costigan	Kennaday	Russell	Wurts
Daggett	Kirk	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to extend the time for the organization of the Central Trust Company of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Barrow	Edson	Krack	Schuyler
Beach	Ely	Kshinka	Scudder
Benedict	Farrar	Lawrence	Shattuck
Berry	Faulkner	Lewis	Silverman
Bishop	Fish	Lincoln	Smith
Bordwell	Friend	McAfee	Stacy
Braman	Gallagher	McGowan	Stephens
Brogan	Green	McGroarty	Talmage
Burtis	Griffin	J. W. Miller	G. Taylor
Calkins	Hanrahan	Muller	W. F. Taylor
T. C. Campbell	Hepburn	Oakley	Tremain
T. J. Campbell	Hess	Page	Vedder
Christopher	Hogan	Petty	Waehner
Cleary	Houghton	Pope	Wenzel
Coffey	Husted	Prince	Whitmore
Comstock	W. Johnson	Reilly	Witbeck
Costigan	W. A. Johnson	Roscoe	Worth
Daly	Kennaday	Russell	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the American Popular Life Insurance Company of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schuyler
Badger	Decker	Krack	Soudder
Barrow	Dessar	Kshinka	Shattuck
Beardsley	Edson	Law	Sherwood
Benedict	Ely	Lewis	Shiel
Berry	Faulkner	Lincoln	Smith
Bordwell	Friend	McAfee	Speaker
Bowen	Gallagher	McGowan	Stauf
Braman	Green	McGroarty	Stephens
Brogan	Griffin	J. W. Miller	Talmage
Brown	Hanrahan	Muller	G. Taylor
Burtis	Hanschel	Oakley	W. F. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hogan	Peck	Vosburgh
T. J. Campbell	Houghton	Pierson	Waehner
Christopher	Hussey	Prince	Wenzel
Cleary	Ives	Ransom	West
Coffey	W. Johnson	Rich	Whitmore
Cole	W. A. Johnson	Roscoe	Witbeck
Cooke	Keenan	Sanford	Worth
Costigan	Kennaday	Sohenck	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the resolution adopted at the last annual town meeting in the town of Olean, providing an appropriation by tax for the construction of a vault in the burial ground of that town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schuyler
Badger	Dessar	Kshinka	Soudder
Barrow	Ely	Lawrence	Seward
Beach	Farrar	Lawson	Sherwood
Benedict	Fay	Lewis	Silverman
Bennett	Fish	Lincoln	Smith
Bishop	Friend	McAfee	Speaker
Bordwell	Gedney	McGowan	Stauf
Bradley	Griffin	McGroarty	Stephens
Broas	Hammond	J. W. Miller	Talmage
Brogan	Hanrahan	Muller	G. Taylor
Burtis	Hanschel	Oakley	W. F. Taylor
Calkins	Hess	Page	Tewksbury

T. C. Campbell	Hinckley	Petty	Vedder
T. J. Campbell	Houghton	Pierson	Waehner
Clark	Hussey	Prince	Wenzel
Cleary	Husted	Ransom	West
Cole	W. Johnson	Rich	Willis
Comstock	W. A. Johnson	Roscoe	Worth
Costigan	Keenan	Russell	Wurts
Daggett	Kirk	Schenck	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the Inebriate Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriate Home for Kings county, and the better government thereof,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schieffelin
Badger	Dessar	Kshinka	Scudder
Barrow	Edson	Law	Shattuck
Beach	Ely	Lawrence	Sherwood
Beardsley	Farrar	Lewis	Silverman
Bennett	Faulkner	Lincoln	Smith
Berry	Fish	Mackin	Stacy
Bordwell	Friend	McGowan	Stauf
Bradley	Gallagher	McGroarty	Stephens
Braman	Green	J. W. Miller	Talmage
Brogan	Griffin	Muller	G. Taylor
Burtis	Hammond	Oakley	Tewksbury
Calkins	Hanrahan	Page	Tremain
T. C. Campbell	Hess	Peck	Vosburgh
T. J. Campbell	Hinckley	Petty	Wellington
Clark	Holmes	Pierson	Wenzel
Cleary	Hussey	Prince	Whitmore
Cole	Husted	Ransom	Willis
Comstock	W. Johnson	Rich	Witbeck
Costigan	W. A. Johnson	Russell	Worth
Daggett	Kennaday	Schenck	Wurts
Daly	Kirk		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 548 of the Laws of 1869, entitled 'An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Scudder
Badger	Davis	Krack	Shattuck
Barrow	Dessar	Kshinka	Sherwood
Beach	Edson	Law	Silverman
Benedict	Ely	Lawrence	Slingerland
Bennett	Faulkner	Lewis	Speaker
Berry	Fish	Lillybridge	Stacy
Bordwell	Friend	Mackin	Stephens
Bradley	Gallagher	McAfee	Talmage
Broas	Green	McGroarty	G. Taylor
Brogan	Hammond	Merwin	W. F. Taylor
Burtis	Hanrahan	Oakley	Tewksbury
Calkins	Hepburn	Page	Vedder
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Hogan	Pope	Wellington
Clark	Houghton	Ransom	West
Cleary	Hussey	Reilly	Willis
Cole	Husted	Roscoe	Witbeck
Cooke	W. Johnson	Schenck	Worth
Costigan	W. A. Johnson	Schuyler	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schenck
Badger	Dessar	Kshinka	Schuyler
Barrow	Edson	Law	Scudder
Beach	Ely	Lawson	Shattuck
Benedict	Faulkner	Lewis	Sherwood
Bennett	Fish	Lillybridge	Silverman
Berry	Friend	Lincoln	Slingerland
Bordwell	Gallagher	McGowan	Speaker
Bradley	Green	McGroarty	Stauf
Braman	Griffin	Merwin	Stephens
Brogan	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Oakley	G. Taylor

Calkins	Hess	O'Keefe	W. F. Taylor
T. C. Campbell	Hinckley	Peck	Tremain
T. J. Campbell	Hogan	Petty	Vedder.
Christopher	Holmes	Pope	Vosburgh
Cleary	Hussey	Prince	Wellington
Coffey	Ives	Ransom	West
Comstock	W. Johnson	Rich	Willis
Cooke	W. A. Johnson	Roscoe	Witbeck
Costigan	Keenan	Sanford	Wurts
Daly	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved to recommit the bill entitled "An act to repeal chapter 640 of the Laws of 1870, entitled 'An act authorizing the construction of a highway from Chateaugay Lake to Saranac and branches,'" to the committee on roads and bridges.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schuyler
Barkley	Decker	Kirk	Scudder
Barrow	Dessar	Krack	Shattuck
Beardsley	Ely	Kshinka	Sherwood
Benedict	Farrar	Law	Silverman
Bennett	Faulkner	Lewis	Smith
Berry	Fish	Lillybridge	Speaker
Bordwell	Friend	Lincoln	Stauf
Bradley	Gallagher	McGowan	Stephens
Braman	Green	McGroarty	Struble
Broas	Griffin	J. W. Miller	Talmage
Brown	Hanrahan	Muller	G. Taylor
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hepburn	Page	Tremain
T. C. Campbell	Hess	Peck	Vosburgh
T. J. Campbell	Hinckley	Petty	Waehner
Christopher	Holmes	Pope	Wenzel
Cleary	Hussey	Prince	West
Coffey	Husted	Ransom	Willis
Comstock	W. Johnson	Rich	Witbeck
Cooke	W. A. Johnson	Sanford	Worth
Costigan	Keenan	Schenck	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend section 118 of article 8 of chapter 2, title 4, part 3 of the Revised Statutes, in relation to the duties of justices of the peace in actions commenced before them in which they are shown to be material witnesses," being announced for a third reading,

On motion of Mr. Wellington, and by unanimous consent, said bill was amended as follows:

After the word "thereupon," line 17, strike out the word "the" and insert the word "any." After the words "a constable," same line, insert the words "designated by the justice before whom the action is pending."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cooke	Kennaday	Schieffelin
Badger	Daggett	Kirk	Schuyler
Barkley	Daly	Krack	Seward
Beach	Decker	Kshinka	Sherwood
Beardsley	Edson	Lawrence	Shiel
Bennett	Ely	Lewis	Slingerland
Berry	Farrar	Lillybridge	Speaker
Bordwell	Faulkner	Mackin	Stauf
Bowen	Friend	McGowan	Struble
Bradley	Gallagher	McGroarty	G. Taylor
Broas	Green	J. W. Miller	W. F. Taylor
Brogan	Hammond	Muller	Tremain
Burtis	Hanrahan	O'Keefe	Vosburgh
Calkins	Hepburn	Page	Waehner
T. C. Campbell	Hess	Petty	Wellington
T. J. Campbell	Hogan	Pope	West
Christopher	Houghton	Ransom	Willis
Cleary	Husted	Rich	Witbeck
Coffey	Ives	Roscoe	Worth
Comstock	W. A. Johnson	Sanford	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to give effect to a deed of assignment made by the Washington Iron Works to James Bigler," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schieffelin
Badger	Dessar	Krack	Scudder
Barrow	Edson	Kshinka	Shattuck
Beach	Ely	Lawrence	Shiel
Benedict	Farrar	Lawson	Silverman
Bennett	Faulkner	Lillybridge	Smith
Bishop	Fish	Lincoln	Speaker
Bordwell	Friend	Mackin	Stauf
Bradley	Gallagher	McGowan	Stephens
Braman	Green	McGroarty	Talmage
Brogan	Hammond	J. W. Miller	G. Taylor
Burtis	Hanrahan	Muller	W. F. Taylor
Calkins	Hepburn	O'Keefe	Tremain
T. C. Campbell	Hess	Page	Vosburgh
T. J. Campbell	Hinckley	Petty	Wellington
Clark	Houghton	Pope	West
Cleary	Hussey	Ransom	Whitmore
Cole	W. Johnson	Rich	Witbeck
Cooke	W. A. Johnson	Russell	Worth
Costigan	Keenan	Schenck	Wurts
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for assessing and collecting the cost of lands taken for Prospect park, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 6 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Schenck
Badger	Edson	Kennaday	Schuyler
Barrow	Ely	Kirk	Scudder
Beardsley	Farrar	Kshinka	Shattuck
Benedict	Faulkner	Lawson	Shiel
Bennett	Fish	Lewis	Slingerland
Berry	Friend	Lincoln	Stacy
Bordwell	Gallagher	Mackin	Stephens
Bradley	Green	McGowan	Struble
Braman	Griffin	McGroarty	Talmage
Brogan	Hanrahan	J. W. Miller	G. Taylor
T. C. Campbell	Hauschel	Muller	Tewksbury
T. J. Campbell	Hepburn	Oakley	Tremain
Christopher	Hinckley	Page	Vedder

Cleary	Holmes	Petty	Vosburgh
Comstock	Houghton	Pope	Wellington
Cooke	Hussey	Reilly	Wenzel
Daggett	Husted	Roscoe	West
Daly	W. Johnson	Russell	Wurts

Those who voted in the negative, were

Coffey	O'Keefe	Whitmore	Willis
Krack	Prince		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the trustees of the village of Norwich, Chenango county, to buy real estate and erect a building thereon for the use of the fire department of said village, and for a village hall," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	W. Johnson	Roscoe
Badger	Daly	Keenan	Russell
Barkley	Decker	Kennaday	Schenck
Beach	Dessar	Krack	Schuyler
Beardale	Edson	Kshinka	Souder
Bennett	Ely	Lawrence	Shattuck
Berry	Farrar	Lawson	Sherwood
Bordwell	Faulkner	Lillybridge	Shiel
Bradley	Fish	Lincoln	Smith
Braman	Fream	McAfee	Talmage
Brogan	Gallagher	McGowan	G. Taylor
Brown	Gedney	McGroarty	Tewksbury
Burtis	Griffin	J. W. Miller	Vedder
Calkins	Hanrahan	Muller	Vosburgh
T. C. Campbell	Hepburn	Oakley	Wellington
T. J. Campbell	Hess	Page	Wenzel
Christopher	Hogan	Peck	Whitmore
Cleary	Holmes	Petty	Witbeck
Coffey	Hussey	Pope	Worth
Comstock	Husted	Prince	Wurts
Cooke	Ives	Reilly	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act supplementary to an act entitled 'An act to incorporate the Manhattan Loan and Trust Company of the city of New York,' passed June 26, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Badger	Edson	Kshinka	Shattuck
Barrow	Ely	Lawrence	Sherwood
Beach	Farrar	Lewis	Silverman
Beardsley	Faulkner	Lillybridge	Smith
Bennett	Fay	Mackin	Speaker
Berry	Friend	McAfee	Stauf
Bordwell	Gallagher	McGowan	Stephens
Bradley	Green	McGroarty	Talmage
Broas	Hammond	J. W. Miller	G. Taylor
Brogan	Hanrahan	W. Miller	W. F. Taylor
Burtis	Hepburn	Muller	Tewksbury
Calkins	Hinckley	O'Keefe	Tremain
T. C. Campbell	Hogan	Page	Vosburgh
T. J. Campbell	Houghton	Petty	Waehner
Christopher	Hussey	Pierson	Wenzel
Cleary	Husted	Prince	West
Cole	W. Johnson	Ransom	Willis
Comstock	Keenan	Rich	Witbeck
Costigan	Kennaday	Russell	Worth
Daly	Kirk	Sanford	Wurts
Decker			

For the negative,

Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act providing for the appointment of marshals in the annexed district in the city and county of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schuyler
Barkley	Decker	Krack	Scudder
Beach	Dessar	Kshinka	Shattuck
Beardsley	Edson	Lawrence	Sherwood
Bennett	Ely	Lawson	Shiel
Berry	Faulkner	Lewis	Slingerland
Bordwell	Fish	Lincoln	Speaker
Bowen	Friend	McAfee	Stauf

Braman	Gallagher	McGowan	Struble
Brogan	Green	McGroarty	Talmage
Brown	Griffin	J. W. Miller	G. Taylor
Burtis	Hanrahan	Muller	Tewksbury
Calkins	Hepburn	Oakley	Tremain
T. C. Campbell	Hess	Page	Vedder
T. J. Campbell	Hogan	Petty	Waehner
Christopher	Houghton	Pierson	Wenzel
Clark	Hussey	Prince	Whitmore
Coffey	Ives	Ransom	Witbeck
Cole	W. Johnson	Rich	Worth
Cooke	Keenan	Russell	Wurts
Costigan	Kennaday	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Burtis moved to reconsider the vote by which the bill entitled "An act to provide for assessing and collecting the cost of lands taken for Prospect park, in the city of Brooklyn," was passed, and that that motion lie upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to release to Josephine Robright the real estate of which Frederick Robright died seized," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	W. Johnson	Rich
Badger	Daggett	W. A. Johnson	Russell
Beach	Daly	Kennaday	Schenck
Beardsley	Decker	Kirk	Schuyler
Benedict	Dessar	Krack	Shattuck
Bennett	Edson	Kshinka	Sherwood
Berry	Ely	Law	Silverman
Bishop	Farrar	Lawrence	Smith
Bordwell	Faulkner	Lawson	Speaker
Bowen	Fish	Lillybridge	Stauf
Broas	Friend	Lincoln	Struble
Brogan	Gallagher	Mackin	Talmage
Brown	Gedney	McGowan	G. Taylor
Burtis	Green	McGroarty	Tewksbury
Calkins	Griffin	J. W. Miller	Tremain
T. C. Campbell	Hanrahan	Muller	Vedder
T. J. Campbell	Hauschel	Oakley	Vosburgh
Christopher	Hepburn	O'Keefe	Waehner
Clark	Hess	Peck	Wenzel
Cleary	Hinckley	Petty	Whitmore

Cole  
Comstock  
Cooke

Holmes  
Hussey  
Ives

Pope  
Prince  
Ransom

Willis  
Worth  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to further amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Badger  
Bakley  
Barrow  
Beach  
Beardsley  
Benedict  
Bennett  
Berry  
Bordwell  
Bradley  
Braman  
Brogan  
Burtis  
Calkins  
T. C. Campbell  
T. J. Campbell  
Christopher  
Cleary  
Cole  
Comstock  
Costigan

Daggett  
Davis  
Decker  
Dessar  
Ely  
Farrar  
Faulkner  
Fish  
Friend  
Gedney  
Griffin  
Hammond  
Hanrahan  
Hauschel  
Hess  
Hogan  
Holmes  
Hussey  
Husted  
W. Johnson  
W. A. Johnson  
Keenan

Kirk  
Krack  
Kshinka  
Lawrence  
Lawson  
Lillybridge  
Lincoln  
MoAfee  
McGowan  
Merwin  
J. W. Miller  
Oakley  
O'Keefe  
Peck  
Petty  
Pope  
Prince  
Reilly  
Rich  
Russell  
Sanford  
Schieffelin

Schuyler  
Scudder  
Seward  
Sherwood  
Silverman  
Smith  
Speaker  
Stauf  
Struble  
Talmage  
G. Taylor  
W. F. Taylor  
Tewksbury  
Vedder  
Vosburgh  
Wellington  
Wenzel  
Willis  
Witbeck  
Worth  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Badger	Dessar	Lawrence	Shattuck
Barrow	Ely	Lawson	Sherwood
Beach	Farrar	Lillybridge	Shiel
Benedict	Fay	Mackin	Silverman
Bennett	Fish	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bordwell	Gallagher	Merwin	Stauf
Bradley	Gedney	J. W. Miller	Stephens
Braman	Griffin	Oakley	Talmage
Brogan	Hanrahan	O'Keefe	G. Taylor
Brown	Hepburn	Peck	W. F. Taylor
Calkins	Hess	Petty	Tewksbury
T. C. Campbell	Hogan	Pope	Vedder
T. J. Campbell	Holmes	Prince	Vosburgh
Christopher	Hussey	Reilly	Wellington
Clark	Husted	Rich	Wenzel
Cleary	W. Johnson	Russell	Whitmore
Coffey	W. A. Johnson	Schenck	Willis
Cole	Keenan	Schieffelin	Witbeck
Cooke	Kennaday	Schuyler	Worth
Costigan	Kirk	Soudder	Wurts
Daly	Krack		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the payment for the use and occupation of armories and drill-rooms in the city and county of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 11 }

Those who voted in the affirmative, were

Alvord	Comstock	Hess	Reilly
Barrow	Costigan	Hinckley	Rich
Beach	Daggett	Hogan	Russell
Beardsley	Daly	Holmes	Schenck
Benedict	Decker	Husted	Schuyler
Bennett	Dessar	Ives	Soudder
Berry	Edson	W. Johnson	Seward
Bowen	Ely	Keenan	Smith
Bradley	Farrar	Kennaday	Speaker
Braman	Faulkner	Mackin	Stauf
Brogan	Fay	McGowan	Talmage
Brown	Friend	Merwin	G. Taylor

Burtis	Gallagher	J. W. Miller	W. F. Taylor
Calkins	Gedney	Oakley	Tremain
T. C. Campbell	Green	O'Keefe	Vosburgh
T. J. Campbell	Griffin	Page	Waehner
Christopher	Hammond	Petty	Wellington
Clark	Hanrahan	Pierson	Willis
Cleary	Hauschel	Prince	Witbeck
Cole			

Those who voted in the negative, were

Bordwell	Ksbinka	Peck	Whitmore
Kirk	Lawrence	Sanford	Wurts
Krack	Lincoln	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State," was read a third time.

Mr. Speaker [put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Schuyler
Badger	Farrar	Lawson	Seward
Barkley	Fay	Lewis	Sherwood
Benedict	Fish	Lillybridge	Shiel
Bennett	Friend	Lincoln	Slingerland
Berry	Gallagher	Mackin	Smith
Bishop	Green	McGowan	Speaker
Bowen	Griffin	McGroarty	Stauf
Bradley	Hanrahan	Merwin	Stephens
Broas	Hauschel	J. W. Miller	Struble
Brogan	Hess	Muller	Talmage
Calkins	Hinckley	Oakley	G. Taylor
T. C. Campbell	Holmes	Page	W. F. Taylor
T. J. Campbell	Hussey	Peck	Tremain
Christopher	Ives	Petty	Vedder
Clark	W. Johnson	Pierson	Vosburgh
Cole	W. A. Johnson	Ransom	Wellington
Comstock	Kennaday	Rich	Wenzel
Costigan	Kirk	Roscoe	Whitmore
Daly	Krack	Russell	Willis
Decker	Ksbinka	Schenck	Worth
Dessar	Law	Schieffelin	Wurts
Edson			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relating to lands in the old military tract sold by the State Engineer and Surveyor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Decker	Kshinka	Seward
Barrow	Dessar	Lawrence	Sherwood
Beardsley	Ely	Lawson	Shiel
Benedict	Farrar	Lillybridge	Slingerland
Berry	Faulkner	Lincoln	Smith
Bishop	Fish	McAfee	Stacy
Bowen	Friend	McGowan	Stauf
Bradley	Gallagher	McGroarty	Stephens
Braman	Green	J. W. Miller	Talmage
Brogan	Hanrahan	Oakley	G. Taylor
Burtis	Hauschel	O'Keefe	W. F. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Holmes	Pope	Wellington
Christopher	Houghton	Ransom	Wenzel
Cleary	Hussey	Rich	Whitmore
Cole	Ives	Roscoe	Witbeck
Comstock	W. Johnson	Sanford	Worth
Costigan	Keenan	Schenck	Wurts
Daggett	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female,' passed March 29, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Barrow	Dessar	Krack	Scudder
Beardsley	Edson	Kshinka	Seward
Benedict	Ely	Lawrence	Shattuck
Bennett	Faulkner	Lawson	Shiel
Berry	Fay	Lewis	Silverman
Bordwell	Fish	Lincoln	Slingerland

Bradley	Friend	Mackin	Smith
Braman	Gallagher	McGowan	Stacy
Brogan	Green	McGroarty	Stauf
Brown	Griffin	J. W. Miller	Stephens
Burtis	Hanrahan	Oakley	Talmage
Calkins	Hauschel	O'Keefe	G. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Peck	Vedder
Christopher	Hogan	Pierson	Vosburgh
Clark	Houghton	Prince	Wellington
Coffey	Husted	Ransom	Wenzel
Cole	W. Johnson	Rich	Whitmore
Cooke	W. A. Johnson	Roscoe	Witbeck
Costigan	Keenan	Sanford	Worth
Daly	Kennaday	Schenck	Wurts

**Ordered,** That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to prevent injury to animals in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 83 }  
} NOES 2 }

Those who voted in the affirmative, were

Alvord	Coffey	Hogan	Peck
Badger	Comstock	Holmes	Petty
Barkley	Cooke	Houghton	Pope
Barrow	Costigan	Husted	Ransom
Beach	Daggett	Ives	Reilly
Beardsley	Daly	W. Johnson	Roscoe
Benedict	Decker	Keenan	Russell
Bennett	Dessar	Kennaday	Schenck
Berry	Edson	Kirk	Schuyler
Bishop	Ely	Krack	Seward
Bowen	Farrar	Ksbinka	Shattuck
Bradley	Faulkner	Lawrence	Sherwood
Braman	Fish	Lawson	Silverman
Brogan	Friend	Lillybridge	Slingerland
Burtis	Gallagher	Lincoln	Stauf
Calkins	Griffin	McAfee	G. Taylor
T. C. Campbell	Hammond	McGowan	Vosburgh
T. J. Campbell	Hanrahan	McGroarty	Wenzel
Christopher	Hauschel	J. W. Miller	Willis
Clark	Hepburn	Oakley	Wurts
Cleary	Hess	O'Keefe	

Those who voted in the negative, were

Green                      Smith

**Ordered,** That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act in relation to the Flushing High School in school district No. 5 of the town of Flushing, Queens county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schieffelin
Badger	Decker	Kshinka	Soudder
Barkley	Edson	Lawrence	Shattuck
Beach	Ely	Lawson	Sherwood
Benedict	Farrar	Lillybridge	Slingerland
Bennett	Faulkner	Lincoln	Smith
Berry	Fish	Mackin	Stacy
Bordwell	Friend	McGowan	Stephens
Bradley	Gallagher	McGroarty	Talmage
Braman	Green	J. W. Miller	G. Taylor
Brogan	Griffin	Oakley	W. F. Taylor
Brown	Hanrahan	O'Keefe	Tremain
Calkins	Hauschel	Peck	Vedder
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hinckley	Pope	Waehner
Christopher	Holmes	Ransom	Wenzel
Clark	Husted	Reilly	Whitmore
Cleary	Ives	Roscoe	Witbeck
Cole	W. A. Johnson	Russell	Worth
Cooke	Kennaday	Schenck	Wurts
Costigan	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 490 of the Laws of 1874, entitled 'An act to amend chapter 504 of the Laws of 1873, entitled An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto,' and repealing acts heretofore passed in relation thereto," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kirk	Sanford
Badger	Daly	Krack	Schieffelin
Barkley	Decker	Kshinka	Schuyler
Beach	Edson	Lawrence	Soudder

Beardsley	Ely	Lawson	Shattuck
Bennett	Farrar	Lillybridge	Sherwood
Berry	Faulkner	Lincoln	Silverman
Bordwell	Fish	McAfee	Slingerland
Bowen	Friend	McGowan	Speaker
Bradley	Gallagher	McGroarty	Stacy
Braman	Green	J. W. Miller	Talmage
Brogan	Griffin	Muller	G. Taylor
Burtis	Hanrahan	Oakley	Tewksbury
Calkins	Hauschel	Page	Tremain
T. C. Campbell	Hinckley	Peck	Vedder
T. J. Campbell	Hogan	Pierson	Vosburgh
Christopher	Holmes	Prince	Wellington
Cleary	Husted	Ransom	Witbeck
Coffey	Ives	Rich	Worth
Comstock	W. A. Johnson	Russell	Wurts
Cooke	Kennaday		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to abandon the further use by the people of the State of New York of the buildings, lands and premises in the county of Albany used as a public arsenal, and to convey said buildings, lands and premises to the city of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Lillybridge	Shattuck
Badger	Ely	Lincoln	Sherwood
Barkley	Faulkner	Mackin	Shiel
Beach	Fay	McGowan	Slingerland
Beardsley	Friend	McGroarty	Smith
Bennett	Gallagher	Merwin	Speaker
Berry	Green	J. W. Miller	Stacy
Bordwell	Griffin	Muller	Stauf
Bowen	Hammond	Oakley	Stephens
Braman	Hauschel	O'Keefe	Talmage
Broas	Hepburn	Page	G. Taylor
Brown	Hinckley	Peck	W. F. Taylor
Burtis	Hogan	Petty	Tewksbury
Calkins	Holmes	Pierson	Tremain
T. C. Campbell	Hussey	Ransom	Vedder
T. J. Campbell	Husted	Reilly	Vosburgh
Christopher	W. Johnson	Rich	Waehner
Cleary	Keenan	Russell	Wellington
Coffey	Kennaday	Sanford	Wenzel
Comstock	Kirk	Schenck	Whitmore
Cooke	Krack	Schuyler	Witbeck

Costigan  
Daly  
Dessar

Kshinka  
Lawrence  
Lawson

Scudder  
Seward

Worth  
Wurts

For the negative,

Prince

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of Wheeler H. Bristol," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 4 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Roscoe
Barkley	Decker	Keenan	Schenck
Benedict	Dessar	Kirk	Schieffelin
Bennett	Edson	Krack	Schuyler
Berry	Ely	Kshinka	Scudder
Bishop	Farrar	Lawrence	Sherwood
Bordwell	Faulkner	Lawson	Shiel
Bradley	Fish	Lewis	Silverman
Braman	Friend	Lincoln	Stauf
Broas	Gallagher	Mackin	Stephens
Brogan	Green	McGowan	Talmage
Burtis	Griffin	McGroarty	G. Taylor
Calkins	Hanrahan	J. W. Miller	Tewksbury
T. C. Campbell	Hauschel	Oakley	Tremain
T. J. Campbell	Hess	Page	Vosburgh
Christopher	Hinckley	Petty	Waehner
Coffey	Hogan	Pierson	Wenzel
Cole	Holmes	Ransom	Witbeck
Costigan	Ives	Rich	Wurts

Those who voted in the negative, were

Badger.	Clark	Pope	Willis
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relating to the repavement of streets, avenues and highways in the city of New York, heretofore paved with wood or concrete," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Comstock	Hussey	Page
Badger	Cooke	Ives	Petty
Barrow	Costigan	W. Johnson	Reilly
Beach	Daly	Keenan	Rich
Benedict	Dessar	Kennaday	Russell
Bennett	Edson	Kirk	Schenck
Berry	Ely	Krack	Sherwood
Bordwell	Faulkner	Kshinka	Silverman
Bradley	Fish	Lawrence	Slingerland
Braman	Friend	Lawson	Stauf
Broas	Gallagher	Lillybridge	Stephens
Brown	Green	Lincoln	G. Taylor
Calkins	Griffin	Mackin	W. F. Taylor
T. C. Campbell	Hammond	McGowan	Vosburgh
T. J. Campbell	Hauschel	McGroarty	Waehner
Christopher	Hess	J. W. Miller	Wenzel
Clark	Hinckley	Muller	Willis
Coffey	Hogan	Oakley	Witbeck
Cole	Holmes	O'Keefe	Wurts

Those who voted in the negative, were

Prince	Schieffelin	Seward
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the cleaning of the streets, avenues, lanes, alleys, places, wharves, piers and heads of slips in the city of New York, and the removal of ashes, garbage and rubbish and sweepings therefrom, and for the creation of a department to be known and entitled 'The department of street cleaning of the city of New York,' the head of which shall be known and entitled 'The commissioner of street cleaning,' who shall take charge of and perform said work, and to secure a more effectual state of cleanliness and a better sanitary condition of the streets of said city than has heretofore existed," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 67 }  
{ NOES 31 }

Those who voted in the affirmative, were

Barkley	Dessar	Kirk	Schuyler
Beach	Edson	Kshinka	Souder
Beardsley	Ely	Lawson	Shattuck
Benedict	Farrar	Lewis	Shiel
Bennett	Faulkner	McGowan	Silverman
Berry	Fish	McGroarty	Smith
Bradley	Friend	Merwin	Speaker

Broas	Gallagher	J. W. Miller	Stauf
Brogan	Griffin	Muller	Stephens
Brown	Hammond	Oakley	Talmage
T. C. Campbell	Hanrahan	O'Keefe	G. Taylor
T. J. Campbell	Hauschel	Page	Vosburgh
Cleary	Hogan	Ransom	Waehner
Coffey	Holmes	Reilly	Witbeck
Cole	Ives	Roscoe	Worth
Costigan	Keenan	Schenck	Wurts
Daly	Kennaday	Schieffelin	

Those who voted in the negative, were

Alvord	Clark	W. A. Johnson	Sherwood
Badger	Comstock	Law	Struble
Barrow	Fay	Lincoln	W. F. Taylor
Bishop	Gedney	Peck	Tremain
Bordwell	Hess	Pope	Vedder
Bowen	Hinckley	Prince	Whitmore
Burtis	Hussey	Russell	Willis
Calkins	Husted	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the resolution recalling from the Governor, for amendment, the bill entitled "An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for all other purposes, passed April 20, 1866, as to travel fees of constables,'" with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk return said resolution to the Governor.

By unanimous consent,

Mr. Oakley, from the committee on insurance, to which was referred the Senate bill, Int. No. 238, entitled "An act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Husted, and by unanimous consent, said bill was substituted for Assembly bill of the same title.

The bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" being announced for a third reading,

On motion of Mr. Ives, and by unanimous consent, said bill was amended as follows (reference being had in all cases to engrossed bill):

Section 4, line 4, after the word "therein" insert the words "on questions over which he has the right to exercise the power of approval or disapproval." Line 11, strike out the word "its" and insert the word "the;" same line, insert after the word "welfare" the words "of the city." Same section, strike out lines 24, 25, 26, 27, 28 and 29. Line 30, after the word "city" insert the words "but shall have no vote as a member of such commission."

Section 7, line 5, strike out the words "the chief engineer and policeman."

Section 9, line 6, after the word "the" insert the words "amount now

authorized to be raised, pursuant to chapter 314 of the Laws of 1874, and of the."

Strike out all of sections 13 and 14.

Change section 15 to section 13 and section 16 to section 14.

Strike out all of sections 17 and 18, and change section 19 to section 15.

Change section 20 to section 16, and add thereto the words "except the provisions in the third section for the appointment of corporation counsel, which provision shall take effect on the 10th day of March, 1876."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 85 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Sudder
Badger	Ely	Lawrence	Shattuck
Barrow	Faulkner	Lawson	Shiel
Beach	Fish	Lewis	Silverman
Benedict	Friend	Lincoln	Smith
Bennett	Gallagher	Mackin	Speaker
Berry	Gedney	McGowan	Stauf
Bordwell	Griffin	McGroarty	Stephens
Bradley	Hanrahan	J. W. Miller	Talmage
Broas	Hauschel	Oakley	G. Taylor
Brogan	Hess	O'Keefe	W. F. Taylor
Calkins	Hinckley	Page	Tewksbury
T C. Campbell	Hogan	Petty	Vedder
T. J. Campbell	Holmes	Pierson	Vosburgh
Christopher	Hussey	Ransom	Wachner
Clark	Husted	Rich	Wenzel
Coffey	Ives	Roscoe	West
Cole	W. Johnson	Russell	Willis
Costigan	Keenan	Schenck	Witbeck
Daly	Kennaday	Schieffelin	Worth
Decker	Krack	Schuyler	Wurts
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

—  
HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize a tax of one-fifth of a mill per dollar of value-

tion for the payment of the awards of the Canal Appraisers, of the Canal Board, and of the Board of Canal Commissioners, and to pay certificates of indebtedness on interest now outstanding."

"An act to legalize and confirm the official acts of the trustees of the village of Canton during the years 1874 and 1875 in selling the old engine-house property, in purchasing another lot, and erecting a new engine-house thereon, in making and issuing the certificates of indebtedness of said village, and in raising money thereon to pay for said lot and building, and to legalize the vote and action of the electors of said village in that behalf."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled as follows:

"An act to provide for the aid and support of the poor in the counties of Erie, Kings and New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the resolution requesting the Governor to return to the Assembly for amendment the bill entitled "An act to amend and supplementary to chapter 362 of the Laws of 1872, entitled 'An act to incorporate the Mutual Trust Institution of New York,' with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the bill entitled "An act to provide for the organization and regulation of certain business corporations," with a message informing that they assent to a committee of conference thereon, and have appointed as such committee Messrs. Robertson, Woodin and Laning.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to authorize the board of supervisors of Kings county to construct a suitable building for a work-house at the penitentiary, and to provide for the payment thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGroarty, and by unanimous consent, said bill was ordered to a third reading.

"An act to alter the map or plan of the city of New York, by striking therefrom the proposed Avenue B, between Sixty-eighth and Seventy-ninth streets," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on way and means.

The Senate returned the bills entitled as follows:

"An act to amend chapter 497 of the Laws of 1869, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county,' and supplementary thereto."

"An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts."

"An act to confirm and levy certain assessments for street improvements in the city of Albany, and to regulate the collection thereof."



"An act in relation to the keeping open of certain public offices in the counties of Queens and Richmond."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Worth, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," and said bill ordered engrossed and to a third reading.

By unanimous consent, Mr. Lawson introduced a bill entitled "An act to amend chapter 593 of the Laws of 1873, entitled 'An act to amend an act to establish an insurance department,' passed April 15, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Struble introduced a bill entitled "An act to regulate insurance upon property of deceased persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

On motion of Mr. Benedict, and by unanimous consent,

*Resolved* (if the Senate concur), That the flags of the Eighteenth, Ninety-first, Ninety-third and One Hundred and Thirty-fourth regiments of the New York volunteers, be and are hereby entrusted to the Ed. Forrest Post of the Grand Army of the Republic in the city of Schenectady, to be used in the ceremonies of Decoration Day, and upon the unveiling of the soldiers' monument in said city, on or about June 16, 1875.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Speaker presented the annual report of the Superintendent of the Banking Department, relative to savings banks; which was laid on the table and ordered printed.

(See Doc. No. 5.)

Mr. Prince moved that Assembly bills G. O. 661, 660 and 518, be made a special order for to-morrow evening, at 7½ o'clock, and that a session of the House be held for that purpose.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Prince moved that said bills be made a special order for Tuesday next immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The bill entitled "An act to amend chapter 42 of the Laws of 1872, entitled 'An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Decker	Law	Schuyler
Badger	Ely	Lawson	Scudder
Beach	Fay	Lewis	Seward
Beardsley	Fish	Lincoln	Sherwood
Benedict	Friend	Mackin	Shiel
Berry	Gallagher	McAfee	Silverman
Bishop	Gedney	McGroarty	Smith
Bordwell	Griffin	Merwin	Speaker
Bowen	Hanrahan	J. W. Miller	Stephens
Bradley	Hauschel	Oakley	Struble
Braman	Hepburn	Page	Talmage
Brogan	Hess	Peck	G. Taylor
Burtis	Hinckley	Petty	Tewksbury
Calkins	Holmes	Prince	Vosburgh
T. C. Campbell	Houghton	Ransom	Waehner
T. J. Campbell	Husted	Rich	Wellington
Christopher	Ives	Roscoe	Whitmore
Clark	Keenan	Russell	Willis
Coffey	Kennaday	Sanford	Witbeck
Cooke	Kirk	Schenck	Worth
Costigan	Krack	Schieffelin	Wurts
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act supplementary to chapter 474 of the Laws of 1871, entitled 'An act to incorporate the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church,' " being announced for a third reading,

On motion of Mr Hinckley, and by unanimous consent, said bill was amended as follows:

Amend the title so as to read, "An act in relation to the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church."

Change section 8 to section 1, and the subsequent sections to correspond.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Russell
Badger	Ely	Kshinka	Sanford
Barkley	Faulkner	Law	Schieffelin
Beardsley	Fay	Lawson	Schuyler

Benedict	Fish	Lincoln	Scudder
Berry	Friend	Mackin	Seward
Bishop	Gallagher	McAfee	Silverman
Braman	Gedney	McGroarty	Smith
Brogan	Griffin	Merwin	Speaker
Burtis	Hanrahan	J. W. Miller	Struble
Calkins	Hauschel	Muller	Talmage
T. C. Campbell	Hess	Oakley	G. Taylor
T. J. Campbell	Hinckley	Page	W. F. Taylor
Christopher	Hogan	Peck	Tewksbury
Clark	Holmes	Petty	Tremain
Coffey	Houghton	Pope	Vosburgh
Cooke	Husted	Prince	Wellington
Costigan	Ives	Ransom	Whitmore
Daly	Keenan	Rich	Willis
Davis	Kennaday	Roscoe	Worth
Decker	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. McGroarty from the sub-committee of the whole, presented a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 146.)

The bill entitled "An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city,' passed April 7, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Sanford
Badger	Edson	Kshinka	Schenck
Barkley	Ely	Lawson	Schieffelin
Barrow	Fay	Lewis	Schuyler
Beardsley	Friend	Lincoln	Seward
Benedict	Gallagher	Mackin	Sherwood
Bennett	Gedney	McAfee	Shiel
Berry	Griffin	McGroarty	Silverman
Bishop	Hanrahan	Merwin	Smith
Bowen	Hauschel	J. W. Miller	Speaker
Brogan	Hepburn	Muller	Stephens
Calkins	Hess	Oakley	Struble
T. C. Campbell	Hinckley	Peck	Talmage
T. J. Campbell	Hogan	Petty	G. Taylor
Christopher	Holmes	Pierson	W. F. Taylor
Clark	Houghton	Pope	Tewksbury
Coffey	Hussey	Prince	Waehner
Cole	Husted	Ransom	Wellington

Costigan	Ives	Rich	Whitmore
Daly	Keenan	Roscoe	Willis
Davis	Kirk	Russell	Worth

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 435, Laws of 1873, entitled 'An act to amend chapter 733, Laws of 1872, entitled An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
 { NOES 00 }

Those who voted in the affirmative, were

Alvord	Coffey	Kirk	Sanford
Badger	Cooke	Krack	Schenck
Barkley	Costigan	Kshinka	Schieffelin
Barrow	Daly	Law	Schuyler
Beardsley	Decker	Lawson	Seward
Benedict	Ely	Lewis	Sherwood
Bennett	Fay	Mackin	Shiel
Berry	Fish	McAfee	Silverman
Bishop	Friend	McGowan	Smith
Bordwell	Gallagher	McGroarty	Struble
Bowen	Gedney	Merwin	G. Taylor
Bradley	Green	J. W. Miller	W. F. Taylor
Brogan	Griffin	Oakley	Tewksbury
Brown	Hanrahan	O'Keefe	Tremain
Burtis	Hepburn	Petty	Vosburgh
Calkins	Hinckley	Prince	Whitmore
T. C. Campbell	Holmes	Ransom	Willis
T. J. Campbell	Hussey	Reilly	Witbeck
Christopher	Ives	Roscoe	Wurts
Clark	Kennaday	Russell	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to appoint commissioners to erect a city hall in and for Long Island City, and to provide for the expenses of the same." was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
 { NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Ives	Ransom
Badger	Daggett	Kennaday	Reilly

Barkley	Daly	Kirk	Russell
Benedict	Decker	Krack	Sanford
Berry	Edson	Kshinka	Schenck
Bordwell	Ely	Lawrence	Schuyler
Bradley	Farrar	Lawson	Seward
Braman	Fay	Lincoln	Sherwood
Broas	Fish	Mackin	Smith
Brogan	Friend	McGowan	Speaker
Burtis	Gallagher	McGroarty	Stauf
Calkins	Gedney	Merwin	Struble
T. C. Campbell	Griffin	J. W. Miller	G. Taylor
T. J. Campbell	Hanrahan	Muller	W. F. Taylor
Christopher	Hauschel	Oakley	Vosburgh
Clark	Hess	O'Keefe	Wenzel
Coffey	Hinckley	Page	Willis
Cole	Hogan	Peck	Witbeck
Comstock	Hussey	Petty	Wurts
Cooke			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the appointment of Centennial Commissioners," being announced for a third reading,

By unanimous consent, on motion of Mr. Hammond, the preamble to said bill was stricken out.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Schieffelin
Barkley	Farrar	Lawson	Schuyler
Beardsley	Fay	Lillybridge	Seward
Benedict	Fish	Lincoln	Sherwood
Bennett	Friend	Mackin	Shiel
Berry	Gallagher	McAfee	Silverman
Bishop	Green	McGowan	Smith
Bradley	Hammond	McGroarty	Speaker
Braman	Hanrahan	Merwin	Stauf
Broas	Hauschel	J. W. Miller	Struble
Brown	Hepburn	Muller	G. Taylor
Burtis	Hess	Oakley	W. F. Taylor
Calkins	Hinckley	Peck	Tewksbury
T. C. Campbell	Hogan	Petty	Tremain
T. J. Campbell	Holmes	Pierson	Vosburgh
Christopher	Husted	Prince	Waehner
Clark	Ives	Ransom	Wenzel
Cole	W. A. Johnson	Reilly	Whitmore
Comstock	Kennaday	Rich	Willis
Costigan	Kirk	Roscoe	Witbeck

Daly	Krack	Russell	Worth
Decker	Kshinka	Schenck	Wurts
Edson	Law		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act releasing the interest of the State in certain lands of which Mary Ann Thompson died possessed to Christopher G. Mason," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord .	Edson	Lawson	Schieffelin
Badger	Ely	Lillybridge	Schuyler
Barkley	Fay	Lincoln	Seward
Beardsley	Fish	Mackin	Sherwood
Benedict	Friend	McAfee	Shiel
Bennett	Gallagher	McGowan	Silverman
Berry	Gedney	McGroarty	Smith
Bordwell	Griffin	Merwin	Speaker
Bradley	Hanrahan	J. W. Miller	Stauf
Braman	Hauschel	Muller	Struble
Brogan	Hepburn	Oakley	Talmage
Burtis	Hess	Page	G. Taylor
Calkins	Hinckley	Peck	W. F. Taylor
T. C. Campbell	Hogan	Petty	Tewksbury
T. J. Campbell	Holmes	Pope	Vedder
Christopher	Hussey	Prince	Vosburgh
Clark	Ives	Ransom	Waehner
Cleary	Keenan	Reilly	Wenzel
Comstock	Kennaday	Rich	Whitmore
Costigan	Kirk	Russell	Witbeck
Daggett	Krack	Sanford	Worth
Daly	Kshinka	Schenck	Wurts
Decker	Law		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in the real estate of which Patrick Lynch, late of the city of Rochester, died seized," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawson	Soudder
Badger	Edson	Lincoln	Seward

Barkley	Ely	Mackin	Shattuck
Beardsley	Fay	McAfee	Sherwood
Benedict	Fish	McGowan	Slingerland
Berry	Friend	McGroarty	Smith
Bishop	Gallagher	Merwin	Speaker
Bordwell	Green	J. W. Miller	Stauf
Bradley	Griffin	Muller	Stephens
Braman	Hanrahan	Oakley	Struble
Broas	Hauschel	Page	Talmage
Brogan	Hess	Petty	G. Taylor
Burtis	Hinckley	Pierson	W. F. Taylor
Calkins	Hogan	Pope	Tewksbury
T. C. Campbell	Holmes	Prince	Vosburgh
T. J. Campbell	Houghton	Ransom	Waehner
Christopher	Hussey	Reilly	Wellington
Clark	Ives	Rich	Wenzel
Coffey	W. A. Johnson	Russell	Whitmore
Comstock	Kennaday	Sanford	Willis
Cooke	Kirk	Schenck	Witbeck
Costigan	Krack	Schieffelin	Worth
Daggett	Kshinka	Schuyler	Wurts
Daly	Lawrence		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to dispose of the surplus lands known as the Seamen's Retreat, in the county of Richmond, and for the payment of the debt of the Seamen's Fund and Retreat of the city of New York," being announced for a third reading,

Mr. Stephens moved to recommit said bill to the committee on commerce and navigation, retaining its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Husted moved to recommit said bill to the committee on commerce and navigation, with instructions to strike out the enacting clause.

Debate was had thereon, when

Mr. Husted withdrew his motion, and moved to lay said bill on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, amended January 12, 1872, amended May 22, 1872," being announced for a third reading,

On motion of Mr. Hanrahan, and by unanimous consent, said bill was amended as follows:

Strike out the title and substitute the following:

"An act further to amend chapter 510 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

Section 1, strike out lines 1 and 2, including the word "amended" on line 3, and insert the following: "Section 6 of title 9 of chapter 510 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,' is hereby further amended."

Said bill, as amended, was then read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schuyler
Badger	Edson	Lawrence	Scudder
Barkley	Ely	Lillybridge	Shattuck
Beach	Fay	Lincoln	Sherwood
Bearlsley	Fish	McAfee	Shiel
Bennett	Friend	McGowan	Silverman
Berry	Gedney	McGroarty	Slingerland
Bordwell	Griffin	Merwin	Smith
Bradley	Hammond	W. Miller	Speaker
Braman	Hanrahan	Oakley	Struble
Broas	Hauschel	O'Keefe	Talmage
Burtis	Hepburn	Page	G. Taylor
Calkins	Hess	Peck	W. F. Taylor
T. C. Campbell	Hinckley	Pierson	Tremain
T. J. Campbell	Hogan	Pope	Vosburgh
Christopher	Holmes	Prince	Waehner
Clark	Husted	Ransom	Wellington
Cole	Ives	Rich	West
Costigan	Keenan	Roscoe	Willis
Daggett	Kennaday	Russell	Witbeck
Daly	Kirk	Sanford	Worth
Decker	Krack	Schenck	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the New York Cheap Transportation Association," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Scudder
Badger	Edson	Lewis	Seward
Barrow	Ely	Lincoln	Shattuck
Beach	Fay	Mackin	Sherwood
Benedict	Friend	McAfee	Shiel
Bennett	Gallagher	McGowan	Smith
Berry	Gedney	McGroarty	Speaker
Bordwell	Griffin	Merwin	Stauf
Bradley	Hanrahan	J. W. Miller	Stephens

Braman	Hauschel	Oakley	Talmage
Broas	Hepburn	O'Keefe	G. Taylor
Brogan]	Hess	Peck	W. F. Taylor
Burtis	Hinckley ]	Petty	Vosburgh
Calkins	Hogan	Pierson	Waehner .
T. C. Campbell	Houghton	Prince	Wenzel
T. J. Campbell]	Hussey]	Ransom :	West
Christopher	Ives	Reilly	Whitmore
Clark	Keenan	Roscoe	Willis
Cole	Kennaday	Russell	Witbeck
Costigan	Kirk	Schenck	Worth
Daggett	Krack	Schieffelin	Wurts
Daly	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 945 of the Laws of 1867, entitled 'An act to regulate the use of certain slips, piers and wharves on the East river in the city of New York,' passed May 23, 1867," being announced for a third reading,

Mr. Vosburgh moved to recommit said bill to the committee on commerce and navigation, with instructions to strike out the enacting clause.

Debate was had thereon, when

Mr. Silverman moved to lay said motion on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Shattuck moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Vosburgh, and it was determined in the negative.

} AYES 47 }  
} NOES 47 }

Those who voted in the affirmative, were

Alvord	Gallagher	McAfee	Schuyler
Badger	Griffin	Merwin	Scudder .
Benedict	Hammond	Muller	Seward
Bishop	Hinckley	Page	Shattuck
Bowen	Hogan	Peck	Speaker
Braman	Holmes	Pope	Stacy
Calkins	Houghton	Prince	G. Taylor
Clark	Hussey	Rich	W. F. Taylor
Cole	Husted	Roscoe	Tewksbury
Davis	Ives	Russell	Tremain
Decker	Lawson	Sanford	Vosburgh
Fay	Lincoln	Schenck	

Those who voted in the negative, were

Barkley	Daggett	McGowan	Slingerland
Beardsley	Daly	McGroarty	Smith
Bennett	Dessar	J. W. Miller	Stauf
Berry	Edson	Oakley	Talmage

Bradley	Ely	O'Keefe	Waehner
Broas	Hauschel	Petty	Wenzel
Brown	Hess	Pierson	Whitmore
Burtis	Keenan	Ransom	Willis
Christopher	Kennaday	Reilly	Witbeck
Coffey	Krack	Schieffelin	Worth
Cooke	Lawrence	Shiel	Wurts
Costigan	Mackin	Silverman	

On motion of Mr. McGroarty, said bill was laid on the table.

The bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schuyler
Badger	Ely	Lawrence	Seward
Barrow	Fay	Lawson	Shattuck
Beardsley	Fish	Lillybridge	Sherwood
Benedict	Friend	Lincoln	Shiel
Berry	Gallagher	McAfee	Slingerland
Bordwell	Gedney	McGowan	Smith
Bradley	Griffin	McGroarty	Stacy
Braman	Hammond	J. W. Milier	Struble
Broas	Hanrahan	Muller	G. Taylor
Burtis	Hepburn	Oakley	W. F. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Holmes	Pierson	Waehner
Christopher	Houghton	Prince	Wenzel
Cleary	Husted	Ransom	Whitmore
Cole	Ives	Rich	Willis
Costigan	Keenan	Roscoe	Witbeck
Daggett	Kennaday	Russell	Worth
Daly	Kirk	Schenck	Wurts
Decker	Krack	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, informing of concurrence in the passage of the resolution giving permission for Ed. Forrest Post of the Grand Army of the Republic of Schenectady to take the flags of the Eighteenth, Ninety-first, Ninety-third and One Hundred and Thirty-fourth regiments, to be used on Decoration Day.

*Ordered*, That the Clerk transmit said resolution to the Adjutant-General.

The bill entitled "An act relating to the consolidation of certain railroad companies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Coffey	Law	Scudder
Badger	Cole	Lawson	Seward
Barkley	Cooke	Lewis	Shattuck
Barrow	Daggett	Lincoln	Shiel
Beardsley	Daly	Mackin	Slingerland
Benedict	Davis	McAfee	Smith
Berry	Decker	McGowan	Stacy
Bishop	Edson	McGroarty	Stauf
Bordwell	Ely	Merwin	Stephens
Bowen	Fay	J. W. Miller	Talmage
Bradley	Friend	Muller	G. Taylor
Braman	Gedney	Page	W. F. Taylor
Broas	Hammond	Peck	Tewksbury
Brogan	Hinckley	Petty	Vosburgh
Brown	Hogan	Pierson	Waehner
Burtis	Holmes	Pope	Wenzel
Calkins	Houghton	Roscoe	Whitmore
T. C. Campbell	Hussey	Russell	Willis
T. J. Campbell	Ives	Schenck	Witbeck
Christopher	Kennaday	Schieffelin	Worth
Clark	Kirk	Schuyler	Wurts

Those who voted in the negative, were

Costigan	Hauschel	Keenan	Krack
Dessar			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 798 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Catholic Association of the city of Buffalo,' passed April 27, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Decker	Kshinka	Seward
Barkley	Edson	Lawrence	Shattuck
Beardsley	Ely	Lawson	Shiel
Bennett	Fish	Lincoln	Slingerland
Berry	Friend	McAfee	Stacy
Bordwell	Gallagher	McGowan	Struble
Bradley	Green	McGroarty	Talmage

Braman	Griffin	Merwin	G. Taylor
Brogan	Hanrahan	J. W. Miller	W. F. Taylor
Burtis	Hepburn	Oakley	Tremain
Calkins	Hess	Page	Vosburgh
T. C. Campbell	Hinckley	Petty	Waehner
T. J. Campbell	Hogan	Pope	Wenzel
Christopher	Holmes	Ransom	Whitmore
Clark	Hussey	Rich	Witbeck
Cole	Ives	Roscoe	Worth
Costigan	Kennaday	Russell	Wurts
Daggett	Kirk	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the American Institute of the city of New York," being announced for a third reading,

Mr. Waehner moved to recommit, with instructions to substitute Senate bill No. 144 therefor.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Daly, from said committee, reported back said bill amended as instructed by the House, as follows:

AN ACT to amend the charter of the American Institute of the city of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter 348 of the Laws of 1829, entitled "An act to incorporate the American Institute in the city of New York," is hereby amended so as to read as follows:

§ 1. John Mason, Curtis Bolton, Anson Hayden, and such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate, by the name and style of "The American Institute of the city of New York;" and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the said name, shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise or otherwise, to the use of them and their successors; and to lease, sell and convey, or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation. But the yearly income of such real and personal estate shall not at any time exceed the sum of fifty thousand dollars.

§ 2. The said incorporation is hereby incorporated for the purpose of encouraging and promoting domestic industry in this State and the United States, in agriculture, commerce, manufactures and the arts, and any improvements made therein, by bestowing rewards and other benefits on those who shall make any such improvements, or excel in any of the said branches, and by such other ways and means as to the said corporation, or the trustees thereof hereafter mentioned, shall appear to be most expedient; and the estate and funds of the said corporation, after paying all proper charges and expenses, shall be exclusively devoted

to all the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purchase and holding of any real estate, and erecting any buildings thereon for the benefit and accommodation of the members of the said corporation, and of those who may attend their fairs and exhibitions; which real estate they may again sell and reinvest as they may find expedient to promote the interest of the corporation, and they may appropriate a portion of the annual income to establish and maintain professorships and lectures in said city of New York on natural history, physics and chemistry, and their application to the useful arts.

§ 3. The said corporation shall have power, from time to time, to make and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same for the admission of members, for the government of the officers and members thereof, for imposing and collecting admission fees and fines from the members, for regulating the meetings, the times and places of meeting, and for suspending or expelling such members as shall refuse or neglect to comply with the said by-laws or regulations, and generally for all other purposes not otherwise herein provided for.

§ 4. Any person desiring to become a member of the American Institute shall make an application in writing, stating his occupation and residence, which shall be indorsed by at least three members thereof in good standing, and said application shall be placed conspicuously in the business office of the corporation for the inspection of all members, at least ten days before the regular meetings holden in June, October and January, at which only they shall be elected, by a two-third vote.

§ 5. There shall be an annual meeting of the corporation on the first Thursday in April of every year (also, three other regular meetings each year, namely, on the second Thursday in June, October and January), of the members of the said corporation, to be held at some convenient place in the city of New York. Notice of all meetings and elections shall be given, by the trustees for the time being, in three of the principal daily newspapers published in said city, once a day consecutively for ten days preceding said meetings. At such annual meetings the trustees shall render an account or report of the transactions, business, property, financial and general condition of the corporation. This report, duly audited, as directed in section eight, by the board of auditors, and signed by the trustees, shall be presented to the members of the corporation at least ten days before the first Thursday in April, copies thereof shall be printed, and publicly kept and offered at its place of business to the members of the corporation.

§ 6. There shall be elected by ballot, on the third Thursday in April of each year, in the manner provided herein for the annual election of officers, a president, three vice-presidents, a recording secretary and treasurer, and seven directors, to hold office for one year, the above-named six officers and the seven directors shall constitute the board of trustees, who shall, when elected in manner hereinafter provided, have the management and direction of affairs of the corporation comprehended in section two, and who shall represent said corporation in its legal capacity, and have power to adopt and enforce all needful rules and regulations, and to use all methods and means required for such management and direction; conditioned, nevertheless, that they shall not interfere



with the power reserved exclusively to the members of the corporation in section three.

§ 7. There shall also be elected by ballot, at the said annual election of the corporation, a board of twenty-one managers, whose duty it shall be to attend to and conduct the details of all annual or special exhibitions of the American Institute which may be ordered by the board of trustees, to whom they shall report the financial and other results of such exhibitions in detail, including all reports of jurors making awards of premiums. Which awards of jurors shall not be changed except by a vote of two-thirds of the members of the board of trustees, on a recommendation in writing, which shall be signed by two-thirds of the entire board of managers. The board of managers shall have power to organize and detail its departmental committees so as to secure an efficient division of labor among the managers, and they shall perform all of their duties under the direction and supervision of the board of trustees.

§ 8. There shall also be elected by ballot, in the manner herein provided for the election of officers, at the first election that occurs after the passage of this act, three auditors, one for one year, one for two years, and one for three years (the respective term of each to be named on the ballot), and annually thereafter, at the same time and in the same manner, there shall be elected one auditor for the then ensuing three years, each to hold office until his successor shall be elected. The same shall constitute a board of audit, to whom the annual account or report herein directed to be made by the trustees to the members of the corporation, of the transactions, the business and property, and the financial condition of the corporation, shall be submitted at least ten days before the day of the annual meeting on the first Thursday in April, and by whom the said report shall be first certified in writing under their respective signatures, to be in all particulars correct, before the trustees, whose duty it is hereby made, shall be permitted to present the same for the action of the members of the corporation at their annual meeting as herein provided.

§ 9. There shall also be elected by ballot, in the manner and subject to the regulations herein provided for the election of officers, three inspectors of election, to hold office for the term of one year and until their successors shall be elected. In case of the death, resignation, neglect or refusal to act of any of the said officers to be elected by the members, the members of the corporation shall, at any regular meeting, elect by ballot any other officer or officers in their stead, who shall hold their offices until the next annual election, and until others shall be chosen in their places.

§ 10. The annual election shall be held by the three inspectors above mentioned, who shall keep the polls publicly open and accessible to all the members for ten hours, opening at ten o'clock A. M. and closing at eight o'clock P. M. They shall be the judges of said election, and upon the closing of the polls shall forthwith proceed publicly to canvass the votes, and shall thereupon certify to the members of the corporation then and there present the persons elected to the respective offices, and they shall immediately forward to the persons so elected a certificate of their election to their respective offices. The right to vote of any person offering to vote at said election may be challenged by a member of the corporation entitled to vote, and thereupon the inspectors shall examine the person so challenged under oath, by one of them administered, as to his right to vote, and shall accept or reject his



vote as in their judgment seems proper. A plurality of all the votes cast at an election shall be sufficient to elect.

§ 11. Special meetings shall be called by the president, on the written request of fifty members of the institute, which request shall set forth the object for which such meeting shall be called. It shall be the duty of the president, and in his absence of the vice-president present, whose name ranked highest on the ballot, to preside at all meetings of the board of trustees, and at all meetings, whether annual, general, regular or special of the members of the corporation.

§ 12. All standing and special committees, and other officers not otherwise provided for, shall be appointed from among the members of the corporation by the board of trustees within ten days after their election. They shall also select and appoint, without reference to membership, all judges or jurors to make awards of premiums. The great medal, or highest award of the American Institute, can only be conferred by an affirmative vote of ten trustees, taken at a regular meeting of the board of trustees, and then only after the award of the great medal has been approved by a two-thirds vote of the members of the institute present at one of its regular meetings, or upon the recommendation of at least seventeen members of the board of managers for something that has been regularly entered for competition at an exhibition under their management.

§ 13. The trustees of the said corporation shall demand and take security from their treasurer, from time to time, for the faithful performance of the trust reposed in him, to such amount and in such manner as to them shall seem fit; and every contract or obligation for that purpose shall be valid in law.

§ 14. No member of the corporation in receipt of a salary or other compensation for services rendered in its behalf, shall be eligible to any office or other employment under the corporation either of trust or profit. Nor shall any officer of the corporation be employed or engaged in rendering any such salaried or compensated services. In case of the violation of these provisions, or either of them, both the office and the compensated employment shall be thereby vacated. Each and every clerk, agent, superintendent or other salaried officer appointed or otherwise authorized to receive a compensation for services, before undertaking his duties shall take and subscribe the following oath, to wit: "I solemnly swear that I will faithfully perform the duties of my office, and will use my best efforts for the general welfare of the American Institute," and shall further enter into a bond with one sufficient surety, to be approved by the board of trustees, in double the amount of his annual salary or compensation for the honest and efficient discharge of his duties. All annual salaries shall be fixed by the members of the corporation at an annual meeting.

§ 15. If an election of the said officers, elective by the members of said corporation in this act named, shall not be held in any year at the time appointed for that purpose by this act, the said corporation shall not for that cause be dissolved; but the said trustees for the time being, shall order such election to be held at such other time and at such place as may by them be deemed proper in said city, they giving and publishing such notice as is hereinbefore required in the case of a general meeting of the members for the purpose of an annual election, which said meeting and election shall be subject to the provisions of section five, applicable to the general meeting and annual election therein named.

§ 16. This act is hereby declared to be a public act, and shall be favorably construed in all courts and places for the purposes thereby intended; and no misnomer of the said corporation in any deed, grant, gifts, devise, bequest or other instrument, contract or conveyance, shall defeat or vitiate the same if the corporation be sufficiently described to show or ascertain the intention of the parties.

§ 17. Until the election of the officers, elective both by the members of the corporation and by the trustees thereof, by these amendments provided for, shall take place, the officers of the said corporation shall be and remain as at present elected and constituted, subject nevertheless to all the directions, regulations and restrictions in these amendments contained and otherwise applicable.

§ 18. The act entitled "An act to amend and enlarge the powers of the American Institute of the city of New York," passed April 21, 1866, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing herein contained shall be so construed as to impair, take away, or in any wise affect any franchise, right, interest, property, claim or demand of or belonging to said corporation, or any claim, demand, action or proceeding against the same.

§ 19. The Legislature shall have the right at any time hereafter to repeal, alter or modify this act.

§ 20. This act shall take effect immediately.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 66 }  
{ NOES 11 }

Those who voted in the affirmative, were

Badger	Daly	Kirk	Schieffelin
Barkley	Davis	Lawson	Schuyler
Beardsley	Decker	Lewis	Seward
Benedict	Edson	Mackin	Shattuck
Berry	Fish	McGowan	Shiel
Bishop	Friend	McGroarty	Smith
Bradley	Gallagher	Merwin	Speaker
Broas	Griffin	J. W. Miller	Stauf
Brogan	Hammond	Muller	Struble
Brown	Hanrahan	Oakley	W. F. Taylor
Burtis	Hauschel	Page	Waehner
Calkins	Hogan	Peck	Wenzel
T. C. Campbell	Holmes	Pope	Willis
T. J. Campbell	Houghton	Ransom	Witbeck
Christopher	Hussey	Reilly	Worth
Coffey	Ives	Schenck	Wurts
Costigan	Keenan		

Those who voted in the negative, were

Alvord	Clark	Lincoln	Sherwood
Bordwell	Daggett	McAfee	Whitmore
Bowen	Gedney	Petty	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relating to armories in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daggett	Hussey	Pope
Barkley	Daly	Ives	Ransom
Beardsley	Davis	Keenan	Rich
Benedict	Decker	Kirk	Roscoe
Bennett	Dessar	Kshinka	Schenck
Berry	Edson	Lawrence	Schuyler
Bishop	Ely	Lawson	Shiel
Bordwell	Fay	Lewis	Smith
Bowen	Fish	Lincoln	Speaker
Bradley	Friend	Mackin	Stacy
Braman	Gallagher	McAfee	Stauf
Broas	Green	McGowan	Struble
Brogan	Griffin	McGroarty	G. Taylor
Brown	Hanrahan	Merwin	Tewksbury
Burtis	Hauschel	J. W. Miller	Waehner
T. J. Campbell	Hess	Muller	Wenzel
Christopher	Hinckley	Oakley	Willis
Cole	Hogan	Peck	Witbeck
Cooke	Holmes	Petty	Worth
Costigan	Houghton	Pierson	Wurts

Those who voted in the negative, were

Badger	Gedney	Schieffelin	Whitmore
Clark			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 26 of the Laws of 1874, entitled 'An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal Church,' passed February 20, 1874," for amendment.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Lawson	Schuyler
Badger	Dessar	Lincoln	Soudder

Barkley	Edson	Mackin	Seward
Benedict	Ely	McAfee	Shattuck
Bennett	Fay	McGowan	Sherwood
Berry	Friend	McGroarty	Shiel
Bishop	Gedney	Merwin	Smith
Bordwell	Griffin	J. W. Miller	Speaker
Bradley	Hanrahan	Muller	Struble
Broas	Hauschel	Oakley	Talmage
Burtis	Hepburn	Page	W. F. Taylor
Calkins	Hess	Petty	Waehner
T. C. Campbell	Hinckley	Pope	Wenzel
T. J. Campbell	Holmes	Ransom	West
Christopher	Hussey	Reilly	Whitmore
Coffey	Ives	Rich	Willis
Cole	Keenan	Russell	Witbeck
Costigan	Kirk	Schenck	Worth
Daly	Kshinka	Schieffelin	Wurts

On motion of Mr. Pope, and by unanimous consent, said bill was amended as follows:

Section 2, page , strike out all of said section after the word "amount" in line 7, and insert the words "Whenever any camp ground association shall own land on any of the navigable waters of the State of New York, to be used for camp ground purposes only, the said association shall have authority to regulate the landing of any person or vessel on said wharves, piers or shore during the holding of religious services, and may also regulate or prohibit the use of said wharves and piers or shore during said services, by any person or vessel."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Schieffelin
Badger	Decker	Lawson	Scudder
Barkley	Edson	Lewis	Seward
Beardsley	Ely	Lincoln	Shattuck
Benedict	Fish	Mackin	Sherwood
Berry	Friend	McAfee	Shiel
Bordwell	Gallagher	McGowan	Slingerland
Bowen	Gedney	McGroarty	Smith
Bradley	Griffin	Merwin	Speaker
Braman	Hammond	Muller	Struble
Brogan	Hanrahan	Oakley	Talmage
Burtis	Hepburn	O'Keefe	G. Taylor
Calkins	Hinckley	Peck	Tremain
T. C. Campbell	Hogan	Petty	Waehner
Christopher	Hussey	Pope	Wenzel
Clark	Husted	Ransom	Whitmore
Cole	Ives	Rich	Witbeck

Cooke  
Costigan  
Daly

Keenan  
Kennaday  
Kirk

Russell  
Schenck

Worth  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. McGroarty called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows :

"An act to amend an act entitled 'An act in relation to assessing the cost of sewers in the city of Brooklyn,' passed June 13, 1873." With the following amendments :

Strike out all after the enacting clause and insert the following :

"SECTION 1. The board of city works of the city of Brooklyn are hereby authorized to omit to construct sewers in any of the streets and avenues included in the district described as follows: 'That portion of the city of Brooklyn comprised in the drainage district known and distinguished as map N, lying northerly of Prospect avenue and Hamilton avenue in said city,' in which they shall by resolution decide and determine that it is inexpedient and improper so to do, and upon the completion of the sewers in the streets and avenues in said district other than those as to which the said board shall so decide, the improvement provided for in said district shall be deemed to have been completed; provided that no part of the cost of the sewers constructed in pursuance of chapter 445 of the Laws of 1872 (except a due proportion of the cost of the main sewer), shall be assessed upon, or shall be liens upon any property except such as is adjacent to and fronts upon the streets and avenues in which sewers shall have been actually constructed in pursuance of said chapter.

"§ 2. In laying the assessments in the year 1875, as provided in this act, and in said act passed April 30, 1872, it shall not be lawful to assess or charge any sum (except for mains and submains) on any property not adjacent to a street or avenue in which a sewer has been laid, in pursuance of said act of April 30, 1872, and the said board of city works are hereby authorized to include in such assessment so much of the sum expended under the provision of said act, with interest, as has not been heretofore assessed; and also the expense of any other sewers built in or for said district for which no assessment has been laid, and also a proper sum, to be ascertained and determined by said board, for the construction of the main or trunk sewers draining said district.

"§ 3. This act shall take effect immediately."

Amend the title so as to read "An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district."

"An act in relation to the estate of the infant children and heirs at law of Martha West Yale, deceased."

Senate, "An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof."

Senate, "An act to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment."

"An act relating to free instruction in drawing."

Senate, "An act supplementary to chapter 55 of the Laws of 1861

entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861, and to provide for the future custody of said hall."

"An act to provide houses of detention in the several counties of this State for the safe-keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses." With the following amendments:

Section 1, line 3, after the word "hereby" insert the words "authorized and," and in same line strike out the words "and directed."

"An act to amend an act entitled 'An act to amend the act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations, in this State,' passed November 15, 1847." With the following amendments:

Strike out in line 10 of section 1 the word "four" and insert the word "two."

Strike out in line 15 the words "in the sum of twenty thousand dollars," and insert the words "in a sum to be fixed by the attorney of the Seneca Nation, which shall not be less than five thousand nor exceeding twenty thousand dollars."

Strike out in line 45 of same section the word "county" and insert the word "town."

Strike out in line 46 of same section the word "county" and insert the word "town."

"An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow."

"An act to establish police and fire departments in the city of Utica, and place the same under the direction of the mayor of said city." With the following amendments:

Insert after the word "mayor," in line 1 of section 1, the words "of the city of Utica." Strike out in line 2 of same section the word "April" and insert the word "June."

Strike out all of section 13, and make section 14 section 13.

"An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes in relation to disorderly persons."

"An act for the incorporation of library societies."

"An act for the relief of James Luther McCoy."

"An act confirming the title of the trustees of school district No. 3, in the town of Amherst, in the county of Erie, to the lands and property of the Williamsville Academy, in said county."

Senate, "An act to relieve premises of one person erroneously assessed and taxed in and with the premises of another."

"An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'" With the following amendment:

Strike out in section 1, commencing with line 5, down to and including all of line 10, and insert in lieu thereof the following:

"§ 20. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any speckled trout save only from the 15th day of March to the 15th day of September, under a penalty of \$25 for each fish. But this section shall not prevent any person from catching trout with nets, in waters owned by them, to stock other



waters. But the time in which speckled trout may be killed, exposed for sale or had in possession in the county of Madison shall be only between the 1st day of May and the 1st day of August."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty also called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to provide for and regulate the mode of admission of attorneys and counsellors coming from the courts of other States to practice in the courts of this State." With the following amendments:

Strike out section 1. Change subsequent sections to correspond.

Strike out of section 2, changed to section 1, in line 1, the words "and be it further enacted."

"An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn,' passed May 20, 1874." With the following amendments:

Strike out in line 1, section 1, the words "said act" and insert the words "chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn.'"

Strike out in same section lines 6, 7, 8, 9, 10 and 11, to the word "interest," and insert in lieu thereof the following: "One-third part of each assessment thirty days after the confirmation of the same by the common council; one-third part on the 1st day of June, 1876; one-third part on the 1st day of June, 1877; the first installment shall be paid within thirty days after the passage of this act."

Amend the title so as to read, "An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn.'"

Senate, "An act relating to the term of office of clerk of the commission of appeals."

Senate, "An act to amend an act entitled 'An act revising and amending an act entitled An act to incorporate the village of Ulster, passed April 10, 1855, as amended by chapter 847 of the Laws of 1866,' passed April 28, 1866."

Senate, "An act to amend the act entitled 'An act to provide for supplying the city of Hudson with pure and wholesome water,' passed May 7, 1873."

"An act to amend chapter 825 of the Laws of 1873, entitled 'An act to authorize the laying of rails and to run cars thereon for the transportation of passengers in certain streets and avenues in the upper part of the city of New York.'" With the following amendment:

Strike out of line 5, section 1, the words "passed June 24, 1873."

"An act to prevent the commission of frauds in the purchase and sale of real estate." With the following amendment:

Amend the title by adding thereto the words "in the counties of New York and Kings."

Senate, "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

"An act in relation to the benevolent fund of the late volunteer fire department of the late town of Morrisania, now the twenty-third ward of the city of New York."

"An act to further amend the charter of the village of Delhi."

Senate, "An act to amend an act entitled 'An act to amend chapter



467 of the Laws of 1862, entitled 'An act to prevent the adulteration of milk and prevent the traffic in impure and unwholesome milk,' passed May 2, 1864.' "

"An act to amend chapter 253 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the New York and Brooklyn Iron Tubular Tunnel Company.' "

Senate, "An act authorizing the common council of the city of Poughkeepsie to sell and convey certain real estate owned by said city."

Senate, "An act to amend an act entitled 'An act to incorporate the Evangelical Lutheran Synod of the State of New York,' passed April 29, 1868."

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.' "

"An act to amend an act entitled 'An act to authorize William Hilliker to establish and maintain a ferry across the Cayuga lake, at Cayuga Bridge,' passed April 20, 1871." With the following amendments:

Strike out of the title the words "passed April twenty, eighteen hundred and seventy-one."

Section 1, line 3, strike out the words "passed April twentieth, eighteen hundred and seventy-one." Line 7, same section, strike out the words "one dollar" and insert the words "seventy-five cents." Line 8, same section, strike out the words "seventy-five" in two places and insert the words "fifty-six" in both places. Line 9, same section, strike out the word "forty" and insert the word "thirty." Line 10, same section, strike out the word "thirty" and insert the word "twenty-three."

"An act to amend an act to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park in or outside of the city of Binghamton and lay out the same, passed April 6, 1874." With the following amendments:

Section 1, line 1, after the word "of" insert the words "chapter one hundred and twenty-eight of the Laws of eighteen hundred and seventy-four." Strike out the words "the act" in same line. Strike out in line 4 of same section the words "passed April sixth, eighteen hundred and seventy-four."

Amend the title so as to read, "An act to amend chapter 128 of the Laws of 1874, entitled 'An act to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park in or outside of the city of Binghamton and lay out the same.' "

"An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813." With the following amendments:

Amend section 1 by striking out of lines 3 and 4 the words "passed April 5, 1813." Strike out of lines 5 and 6, same section, the words "Be it enacted by the people of the State of New York, represented in Senate and Assembly, that if," and insert before the word "any," in said sixth line, the word "if."

Amend the title so as to read, "An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies.' "

Senate, "An act for the preservation of fish in Chautauqua lake." With the following amendment:

Strike out in section 3 of engrossed bill, lines 9, 10 and 11 the words

"and also one-half of all penalties recovered by him for violations of this act."

"An act establishing and declaring the use of the dock and pier at the ferry landing on the easterly side of Front street, between Canal and Water streets, in the village of Edgewater, Richmond county."

Senate, "An act legalizing certain proceedings of a town meeting, held in the town of Moriah, Essex county, on the first Tuesday of March, 1875."

"An act to amend an act entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,' passed June 18, 1873."

With the following amendments:

Strike out in line 1 of section 1 the words "the act," and insert the words "chapter 807 of the Laws of 1873." Strike out in lines 4 and 5 of same section the words "passed June 18, 1873."

Amend the title so as to read "An act to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

"An act to provide for raising money to provide an armory in the city of Brooklyn for the Fourteenth Regiment of the National Guard of the State of New York."

"An act to enable the city of Yonkers to consolidate and equalize the time of payment of its bonded debt."

"An act to enable the city of New York to finally settle and pay that part of the bonded debt of the late town of Yonkers apportioned to the late town of Kingsbridge."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 356 of the Laws of 1837, passed May 8, 1837, entitled 'An act for the appointment of a harbor master for the port of Albany,' passed April 4, 1866,'" reported in favor of the passage of the same, with the following amendments:

Strike out in line 2 of section 1 the word "being" and insert the words "entitled 'An act to amend chapter 356 of the Laws of 1837,' passed May 8, 1837, entitled." Strike out in lines 3 and 4 of same section the words "and the act amendatory thereof."

Amend the title so as to read "An act to amend chapter 374 of the Laws of 1866, entitled 'An act to amend chapter 356 of the Laws of 1837, passed May 8, 1837, entitled 'An act for the appointment of a harbor master for the port of Albany.'"

Mr. Braman moved to recommit said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Davis called for the consideration of the motion to recommit the bill (reported favorably by the sub-committee of the whole) entitled "An act to change the name of the village of Sandy Hill to that of Hudson Falls."

Mr. Alvord withdrew his motion to recommit.

Mr. Speaker put the question whether the House would agree to the report of the sub-committee of the whole on said bill, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

On motion of Mr. T. J. Campbell, at 10 o'clock and 10 minutes, the House adjourned.

## FRIDAY, APRIL 30, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bailey.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bills entitled as follows:

"An act to amend chapter 489 of the Laws of 1873, entitled 'An act to amend an act entitled An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, and as amended by chapter 558 of the Laws of 1869, entitled 'An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga.'"

"An act for the relief of the New York and Yonkers Fire Insurance Company."

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

"An act to amend chapter 399 of the Laws of 1874, entitled 'An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year 1874, for the construction of new work upon and extraordinary repairs of the canals of this State,' passed May 9, 1874."

"An act to amend chapter 192 of the Laws of 1836, entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the acts amending the same," returned from the Governor for amendment, with a message informing of concurrence in the passage of the same as amended.

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act in relation to the State prisons and penitentiaries of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

A message from the Senate was received and read, informing of concurrence in the passage of a resolution, in the words following:

*Resolved* (if the Senate concur), That 2,000 extra copies of the fifty-sixth annual report of the New York Institution for the Deaf and Dumb, be printed for the use of the officers of that institution.

Also, the following:

*Resolved* (if the Senate concur), That 2,500 copies of the twenty-first annual report of the Superintendent of Public Instruction be printed in the usual form, of which 1,000 copies shall be for the use of the Legislature; one copy for each school district and school commissioner in the State, and 500 copies to be bound in cloth for the use of the Department of Public Instruction.

A message from the Senate was received and read, informing of non-concurrence in the passage of the following resolutions:

*Resolved* (if the Senate concur), That 1,000 extra copies of the report of the Eclectic Medical Society of the State of New York, in paper covers, be printed for the use of the Legislature, and 1,500 copies for the use of said society.

*Resolved* (if the Senate concur), That 1,000 extra copies of the Report of the Medical Society of the State of New York, in paper covers, be printed for the use of the Legislature, and 2,000 copies for the use of said society.

*Resolved* (if the Senate concur), That there be printed, in paper covers, for the use of the Homœopathic Medical Society of the State of New York, 1,500 copies of the transactions of said society for the year 1875, and 1,000 for the use of the Legislature.

The Senate returned the following resolution: "*Resolved* (if the Senate concur), That 1,500 copies of the report of the Institution for the Improvement of Deaf-mutes be printed for the use of the institution," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out the word "Improvement" and insert the words "Improved Instruction."

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence in their amendment.

Mr. Houghton offered for the consideration of the House a resolution in the words following:

*Resolved*, That a respectful message be sent to the honorable the Senate, requesting the return of Assembly bill entitled "An act to authorize the erection of a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll-bridge over said outlet near Moon's Lake House," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act to provide for the support of government," in the words following:

Your committee of conference, to which was referred the matters of difference between the two Houses upon the Assembly bill entitled "An act to provide for the support of government," beg leave to report that

they have met and duly considered the same, and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed by the Senate, namely. (Reference in all cases being had to the engrossed bill.)

Page 1, line 12, item in relation to the clerks and messengers in the executive department, as amended, which reads as follows:

"For the clerks and messengers in the executive department, including the military secretary and messenger, for full compensation, eleven thousand five hundred dollars."

Page 2, line 21, after the word "appeals," insert the words "and State Engineer and Surveyor (the same messenger)."

Line 25, change the word "expense" to the word "expenses."

Line 26, after the word "dollars," add the following:

"For compensation of stenographers, pursuant to chapter 765 of the Laws of 1868, six thousand dollars; said amount to be paid only from the moneys which have been or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof"

Page 3, line 2, change the word "salary," to the word "salaries."

Page 4, line 9, strike out the word "five," and insert the word "six."

After the word "thousand," insert the words "five hundred."

Same page, line 24, change the word "treasurers" to "treasury."

Same page, line 31, strike out the word "six," and insert the word "eight."

Page 5, line 3, after the word "dollars," insert the following:

"For the Department of Public Instruction, for traveling expenses, which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools, and other institutions under the supervision of that department, pursuant to part 1, chapter 15, title 2, section 11 of the Revised Statutes, and chapter 555, title 7, section 18 of the Laws of 1864, five hundred dollars."

Page 5, line 30, strike out the word "eight," and insert the word "five."

Page 7, line 24, strike out the word "and."

Page 8, line 16, change the word "clerks" to "clerk."

Line 18, change the word "officers" to "offices."

Page 10, line 3, change the word "keepers" to "keeper."

Line 17, strike out all after the word "dollars," down to and including the word "dollars," in line 22.

Line 26, strike out the word "thirty," and insert the words "forty-five."

Line 34, after the word "named," insert the words "indexing bills, journals, and documents of the Senate and Assembly."

Page 11, after line 8, insert the following paragraph:

"STATE PRISONS.

"For the inspectors of State prisons, for salaries, to each of them, one thousand six hundred dollars, and for traveling expenses, to each of them, one thousand dollars."

Line 24, strike out the word "one" and insert the word "two." Strike out the words "five hundred." Strike out all of lines 35 and 36.

Page 12, line 16, after the words "of the," insert the words "agent of the."

After line 25, add the following paragraph:

"For the Thomas Asylum for Orphan and Destitute Indian Children, for the education and maintenance of one hundred children, in pursuance



of chapter of the Laws of 1875, at the rate of eighty-five dollars per capita, the sum of eight thousand five hundred dollars."

Strike out lines 26 to 29, both inclusive, relative to support of Susan Green.

Page 14, after line 14, insert as follows :

"And three thousand dollars for the year commencing the first day of October, 1875, to be expended under the direction of the commissioners. Any sum payable out of the moneys so appropriated shall be paid to the person entitled thereto, upon his presenting the proper vouchers, certified by either of the commissioners as by their order, or it shall be allowed and repaid to the commissioners in like manner as their other official expenses."

Page 15, after line 9, insert as follows :

"For the support and instruction of thirty pupils at the Central New York Institution for Deaf Mutes in the city of Rome, pursuant to the provisions of an act entitled 'An act relative to the care and education of deaf-mutes,' passed in the year 1875, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, the sum of nine thousand dollars, to be paid by the Comptroller upon the certificate and oath of the president and secretary of the said institution, approved by the Superintendent of Public Instruction, and this sum shall be in full of all demands upon the State up to the first day of October, 1876."

Line 22, after the word "forty" insert the word "five."

Page 16, line 2, after the word "pupils" insert the words "or a shorter period of time than one year."

After line 12, insert as follows :

"For the support of Mark Jack, an insane Indian at the asylum, two hundred and fifty dollars."

"For the support of Susan Green an insane Indian woman, at the asylum, two hundred and fifty dollars, which sum is hereby fixed as the annual compensation for such support."

After line 15, insert as follows :

#### **"STATE INEBRIATE ASYLUM.**

"For payment of salaries of superintendent, assistant physician, steward, chaplain and matron of the State Inebriate Asylum at Binghamton (chapter 625, Laws of 1873), six thousand dollars, or so much thereof as may be necessary; also, the sum of five hundred dollars, or so much thereof as may be necessary, for traveling and other expenses of the managers of the asylum, to be audited as required by law."

Line 22, strike out the word "four" and insert the word "three." After the word "thousand" insert the words "five hundred."

Line 28, after the word "three" insert the words "and chapter 464 of the Laws of 1874."

Page 19, line 25, change the word "treasurers" to "treasurer."

Page 20, line 21, strike out the word "made."

Page 18, line 35, after the word "thirty," insert the word "five."

And your committee further report that they have agreed to recommend that the Senate do recede from the following amendments to the bill as proposed by the Senate, namely :

Page 3, line 32, strike out the words "one thousand," and insert the words "eight hundred."

Page 5, line 7, strike out the word "nine," and insert the word

“ eight;” and after the word “ thousand,” insert the words “ six hundred and seventy-five.”

Line 17, strike out the word “ five,” and insert the word “ two.”

Page 17, line 14, strike out the word “ five,” and insert the word “ four.”

Page 18, after line 18, insert the following :

“ The appropriations made in this act for academies shall be applied exclusively to that class of institutions; and for the benefit of the academical departments of union schools, the sum of sixty-one thousand dollars, or so much as may be derived from a tax of three one-hundredths of a mill upon each dollar of the taxable property of the State. The said sum to be distributed as prescribed by this act for the academies, which is hereby ordered to be levied for each and every year.”

And your committee further report that they have agreed to recommend that the Senate do recede from the following amendment to the bill proposed by the Senate, and insert the same as amended :

Page 10, line 11, after the word “ society,” insert the words “ and the central and the western New York societies.”

Strike out all of lines 10, 11 and 12, on page 10, and insert the following amendment:

“ For the promotion of agriculture, to be distributed in premiums by the State Agricultural Society to the agricultural societies in counties, and the American Institute in the city of New York, in the ratios prescribed by the act to promote agriculture, passed May 5, 1841, and the act to provide for the distribution of the moneys appropriated to promote agriculture, and for other purposes, passed April 12, 1848, twenty thousand dollars. To enable the county of Monroe to receive its shares of the above appropriations, the Western New York Agricultural, Mechanical and Driving Park Association of Rochester, shall be considered as the County Agricultural Society of the county of Monroe.”

All of which is respectfully submitted.

D. P. WOOD,  
JOHN C. JACOBS,  
J. H. SELKREG,  
*Senate Committee.*

S. H. HAMMOND,  
E. E. DAVIS,  
JAMES DALY,  
THOS. G. ALVORD,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

{ AYES 82 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Sanford
Badger	Davis	Krack	Schenck
Barkley	Decker	Kshinka	Schieffelin
Barrow	Dessar	Law	Schuyler
Beardsley	Farrar	Lawrence	Scudder
Benedict	Faulkner	Lawson	Seward
Berry	Fish	Lewis	Shattuck
Bishop	Friend	McGroarty	Sherwood



<b>Bordwell</b>	<b>Gallagher</b>	<b>Merwin</b>	<b>Silverman</b>
<b>Bowen</b>	<b>Gedney</b>	<b>J. W. Miller</b>	<b>Speaker</b>
<b>Bradley</b>	<b>Griffin</b>	<b>Muller</b>	<b>Struble</b>
<b>Bross</b>	<b>Hammond</b>	<b>Oakley</b>	<b>Talmage</b>
<b>Brogan</b>	<b>Hanrahan</b>	<b>O'Keefe</b>	<b>G. Taylor</b>
<b>Burtis</b>	<b>Hauschel</b>	<b>Page</b>	<b>W. F. Taylor</b>
<b>Calkins</b>	<b>Hepburn</b>	<b>Peck</b>	<b>Tewksbury</b>
<b>T. C. Campbell</b>	<b>Hogan</b>	<b>Petty</b>	<b>Vosburgh</b>
<b>T. J. Campbell</b>	<b>Hussey</b>	<b>Prince</b>	<b>Wellington</b>
<b>Christopher</b>	<b>Husted</b>	<b>Ransom</b>	<b>Wenzel</b>
<b>Clark</b>	<b>Ives</b>	<b>Reilly</b>	<b>West</b>
<b>Cooke</b>	<b>W. Johnson</b>	<b>Rich</b>	<b>Witbeck</b>
<b>Costigan</b>	<b>Kennaday</b>		

Those who voted in the negative, were

<b>Edson</b>	<b>Holmes</b>	<b>Lincoln</b>	<b>Russell</b>
<b>Hinckley</b>			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act to provide for the appointment of a commission to investigate, consider and report upon the disposition to be made of the lateral canals," with a message informing of concurrence in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. It shall be the duty of the Canal Board to examine the Crooked Lake canal, the Chemung canal, the Genesee Valley canal, the Chenango canal, the Black River canal and their appurtenances, to take such testimony in respect to the same as they shall deem necessary or expedient, to examine all surveys, maps, reports and documents relating to the same in the public offices, to ascertain whether any of the canals should be sold, leased or abandoned; whether any, or any portions of any of them are necessary to be retained as feeders, and if so, in what condition and at what annual cost, and whether a sale, lease or abandonment will affect the legal rights of individuals, and if so, to what extent and generally to report on all matters incident to such disposal of the canals as may seem expedient; to report the evidence taken and the facts ascertained to the Legislature of eighteen hundred and seventy-six, and in the first week of the session thereof, together with their opinion as to the best disposition to be made of the said canals, the manner in which said disposition should be made, and what legislation will be necessary to carry into effect their recommendations; and they are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths and to examine persons under oath in respect to such matters as they may deem necessary."

The amendment having been read,

Mr. Page moved to non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Page, Cole, Davis, Alvord and Lillybridge were appointed as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act creating the office of inspector of public works," in the words following:

That having met and duly considered the same, have agreed to recommend as follows: That the Assembly concur in all the amendments of the Senate excepting that portion of the amendment to section 4 at the end thereof, as follows: "and shall be had in such place in the city or town where the work is progressing as such officer shall designate," and in relation to that portion of said amendment they recommend that the Senate recede therefrom.

S. S. LOWERY,  
W. R. ROBERTSON,  
JOHN JACOBS,  
*Senate Committee.*

JAMES DALY,  
G. W. SCHUYLER,  
DANIEL BRADLEY,  
THOMAS G. ALVORD,  
JAS. W. HUSTED,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Davis	Kennaday	Reilly
Badger	Decker	Kirk	Rich
Barkley	Dessar	Krack	Russell
Barrow	Edson	Kshinka	Schenck
Beardsley	Farrar	Law	Schuyler
Benedict	Faulkner	Lawson	Scudder
Berry	Fish	Lewis	Seward
Bishop	Friend	Lincoln	Shattuck
Bordwell	Gedney	Mackin	Silverman
Bowen	Griffin	McAfee	Struble
Bradley	Hammond	McGowan	G. Taylor
Broas	Hanrahan	McGroarty	Vedder
Brogan	Hauschel	J. W. Miller	Vesburgh
Burtis	Hinckley	Muller	Wellington
Calkins	Hogan	Oakley	Wenzel
T. J. Campbell	Holmes	O'Keefe	West
Christopher	Houghton	Page	Willis
Clark	Hussey	Peck	Witbeck
Cooke	Husted	Petty	Worth
Costigan	Ives	Pierson	Wurts
Daly	W. Johnson		

Those who voted in the negative, were

T. C. Campbell    Schieffelin

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act for the preservation of fish in the waters of Oak Orchard creek in the counties of Genesee and Orleans," for amendment.

Mr. Bordwell moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schieffelin
Badger	Edson	Krack	Seward
Barkley	Ely	Kshinka	Sherwood
Beardsley	Farrar	Law	Shiel
Benedict	Faulkner	Lawrence	Silverman
Bennett	Fay	Lawson	Slingerland
Berry	Friend	Lewis	Smith
Bishop	Gallagher	Lincoln	Stauf
Bowen	Gedney	McAfee	Struble
Bradley	Hammond	McGowan	Talmage
Broas	Hanrahan	McGroarty	G. Taylor
Burtis	Hauschel	J. W. Miller	W. F. Taylor
Calkins	Hinckley	Oakley	Vedder
T. C. Campbell	Hogan	Peck	Vosburgh
T. J. Campbell	Holmes	Petty	Waehner
Christopher	Houghton	Prince	Wenzel
Clark	Husted	Rich	Willis
Cooke	Ives	Russell	Witbeck
Costigan	W. Johnson	Sanford	Worth
Daly	Kennaday	Schenck	Wurts
Davis			

On motion of Mr. Bordwell, and by unanimous consent, said bill was amended by adding to the title the words "and all streams, lakes, ponds and other waters in the county of Orleans."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Scudder
Badger	Edson	Kshinka	Seward
Barrow	Ely	Law	Shattuck
Beach	Farrar	Lawson	Sherwood
Benedict	Faulkner	Lincoln	Shiel
Berry	Fish	McAfee	Slingerland
Bordwell	Friend	McGowan	Stacy
Bowen	Gallagher	McGroarty	Stephens
Bradley	Green	Merwin	Struble
Braman	Griffin	J. W. Miller	Talmage
Brown	Hammond	Oakley	G. Taylor
Burtis	Hanrahan	O'Keefe	Tewksbury
Calkins	Hinckley	Peck	Vedder
T. C. Campbell	Hogan	Petty	Waehner
T. J. Campbell	Holmes	Pierson	Wenzel
Christopher	Hussey	Ransom	West
Clark	Husted	Rich	Whitmore
Comstock	Ives	Russell	Willis
Cooke	W. Johnson	Schenck	Worth
Costigan	Kennaday	Schieffelin	Wurts
Daly	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend and supplementary to chapter 362 of the Laws of 1872, entitled 'An act to incorporate the Mutual Trust Institution of New York,' for amendment.

Mr. T. C. Campbell moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Badger	Dessar	Krack	Scudder
Barkley	Edson	Kshinka	Seward
Beardsley	Ely	Lawrence	Sherwood
Benedict	Farrar	Lawson	Shiel
Bennett	Faulkner	Lincoln	Silverman
Berry	Gallagher	Mackin	Smith
Bordwell	Green	McGowan	Stauf
Bradley	Hammond	McGroarty	Struble
Braman	Hanrahan	J. W. Miller	G. Taylor
Burtis	Hepburn	Muller	W. F. Taylor

Calkins	Hess	Oakley	Tremain
T. C. Campbell	Hinckley	Page	Vedder
T. J. Campbell	Hogan	Petty	Waehner
Christopher	Holmes	Pierson	Wenzel
Clark	Hussey	Ransom	West
Cole	Husted	Rich	Willis
Cooke	Ives	Roscoe	Witbeck
Costigan	W. Johnson	Russell	Worth
Daly	Kennaday	Schenck	Wurts

On motion of Mr. T. C. Campbell, and by unanimous consent, said bill was amended by striking out in line 3, engrossed bill, the words "of two-thirds."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Decker	Kshinka	Seward
Barkley	Dessar	Lawrence	Shattuck
Barrow	Ely	Lawson	Shiel
Beach	Farrar	Lincoln	Silverman
Beardsley	Faulkner	Mackin	Smith
Benedict	Fay	McGowan	Stephens
Bordwell	Friend	McGroarty	Struble
Bradley	Gallagher	Merwin	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Brogan	Hanrahan	Oakley	W. F. Taylor
Burtis	Hess	O'Keefe	Vedder
Calkins	Hinckley	Peck	Vosburgh
T. C. Campbell	Houghton	Petty	Waehner
T. J. Campbell	Husted	Prince	Wenzel
Christopher	Ives	Reilly	Whitmore
Clark	W. Johnson	Russell	Witbeck
Comstock	Keenan	Sanford	Worth
Cooke	Kennaday	Schieffelin	Wurts
Costigan	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly the Governor returned the bill entitled "An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866, as to travel fees of constables," for amendment.

Mr. Prince moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to

said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Decker	Kshinka	Shattuck
Barkley	Edson	Lawrence	Sherwood
Barrow	Ely	Lewis	Shiel
Beardsley	Farrar	Lincoln	Slingerland
Bennett	Faulkner	Mackin	Stauf
Berry	Fay	McGowan	Stephens
Bowen	Friend	McGroarty	Struble
Bradley	Gallagher	Merwin	Talmage
Broas	Gedney	J. W. Miller	G. Taylor
Brown	Green	Oakley	W. F. Taylor
Burtis	Hammond	O'Keefe	Tremain
Calkins	Hanrahan	Peck	Vosburgh
T. C. Campbell	Hepburn	Petty	Waehner
T. J. Campbell	Hinckley	Prince	Wenzel
Christopher	Houghton	Ransom	Whitmore
Clark	Husted	Rich	Willis
Cole	Ives	Russell	Witbeck
Comstock	W. Johnson	Schenck	Worth
Cooke	Kennaday	Schuyler	Wurts
Costigan	Kirk		

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Amend the title so as to read, "An act further to amend chapter 692 of the laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes.'"

Amend section 1 so as to read:

"SECTION 1. Section 8 of chapter 692 of the Laws of 1866, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' is hereby further amended so as to read as follows: "

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schieffelin
Badger	Decker	Krack	Schuyler

Barkley	Edson	Kshinka	Scudder
Beach	Ely	Law	Seward
Benedict	Farrar	Lawrence	Sherwood
Bennett	Faulkner	Lawson	Slingerland
Bishop	Fay	Lillybridge	Stacy
Bowen	Friend	Lincoln	Stauf
Bradley	Gallagher	McGowan	Struble
Broas	Gedney	McGroarty	Talmage
Brogan	Hammond	Merwin	G. Taylor
Burtis	Hanrahan	J. W. Miller	W. F. Taylor
Calkins	Hepburn	Oakley	Tewksbury
T. C. Campbell	Hess	O'Keefe	Vosburgh
T. J. Campbell	Hinckley	Page	Waehner
Christopher	Holmes	Pierson	Wenzel
Clark	Houghton	Prince	Willis
Coffey	Husted	Ransom	Witbeck
Cole	Ives	Rich	Worth
Cooke	W. Johnson	Russell	Wurts
Costigan	Kennaday	Sanford	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act authorizing the payment of certain employees of the Assembly for services," with a message informing of concurrence in the passage of the same, with the following amendments:

Add at the end of section 1 the following: "And to William P. Jones, special engrossing clerk of the Senate, for services in engrossing resolutions of the Senate in relation to the life, character and public services of the Hon. John Ganson, deceased, Senator from the Thirty-first district, in pursuance of a resolution of the Senate adopted January 29 and April 6, 1875, five hundred dollars. And to Robert McIntyre, mail carrier of the Senate, two dollars per day from the fifth day of January, for and during the session of the present Legislature, to be audited and allowed by the President of the Senate."

Amend the title so as to read as follows:

"An act authorizing the payment of certain employees of the Senate and Assembly."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawson	Schieffelin
Barrow	Farrar	Lewis	Schuyler
Beardsley	Faulkner	Lincoln	Shattuck
Benedict	Friend	Mackin	Sherwood
Berry	Gallagher	McAfee	Smith
Bishop	Green	McGowan	Stauf



Bordwell	Griffin	McGroarty	Stephens
Bradley	Hanrahan	Merwin	Talmage
Broas	Hauschel	J. W. Miller	G. Taylor
Brogan	Hess	Muller	W. F. Taylor
T. C. Campbell	Hinckley	Oakley	Vosburgh
T. J. Campbell	Holmes	Peck	Waehner
Christopher	Hussey	Petty	Wellington
Clark	Ives	Pierson	Wenzel
Cole	W. Johnson	Prince	West
Cooke	Kennaday	Ransom	Willis
Daggett	Kirk	Rich	Witbeck
Daly	Krack	Russell	Worth
Decker	Kshinka	Schenck	Wurts
Edson	Lawrence		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The bill entitled "An act to legalize the acts of the several boards of health in the towns of Kings county and in the towns of Newtown, Flushing and Jamaica, in the county of Queens," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schuyler
Badger	Edson	Kirk	Souder
Barkley	Ely	Krack	Seward
Beardsley	Farrar	Kshinka	Shattuck
Benedict	Faulkner	Lawrence	Sherwood
Berry	Fay	Lawson	Shiel
Bordwell	Friend	Lincoln	Slingerland
Bradley	Gallagher	Mackin	Stacy
Braman	Green	McAfee	Stephens
Brogan	Griffin	McGowan	Struble
Burtis	Hanrahan	McGroarty	Talmage
Calkins	Hauschel	J. W. Miller	G. Taylor
T. C. Campbell	Hess	Muller	Tewksbury
T. J. Campbell	Hinckley	Oakley	Vedder
Christopher	Hogan	Page	Vosburgh
Clark	Houghton	Peck	Wenzel
Cole	Hussey	Petty	Whitmore
Cooke	Ives	Ransom	Willis
Costigan	W. Johnson	Rich	Worth
Daly	Keenan	Schenck	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the improvement of portions of Commercial street and Union place in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schenck
Badger	Ely	Krack	Schuyler
Beardsley	Farrar	Kshinka	Scudder
Bennett	Faulkner	Lawrence	Shattuck
Berry	Fish	Lawson	Slingerland
Bordwell	Friend	Lewis	Stauf
Bowen	Gallagher	Lincoln	Stephens
Broas	Gedney	McAfee	Struble
Brown	Griffin	McGowan	Talmage
Burtis	Hanrahan	McGroarty	G. Taylor
Calkins	Hepburn	J. W. Miller	W. F. Taylor
T. C. Campbell	Hess	Muller	Vedder
T. J. Campbell	Hogan	Peck	Wellington
Christopher	Holmes	Petty	West
Clark	Hussey	Pierson	Willis
Comstock	Ives	Ransom	Witbeck
Costigan	W. Johnson	Rich	Worth
Daly	Keenan	Roscoe	Wurts
Decker	Kennaday	Sanford	

For the negative,

Coffey

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act providing for the disposition of excise moneys in the several towns of Orange county, except the city and town of Newburgh," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Russell
Badger	Decker	Krack	Schenck
Barrow	Edson	Kshinka	Schuyler
Beardsley	Ely	Lawrence	Seward
Benedict	Faulkner	Lawson	Sherwood
Berry	Friend	Lillybridge	Silverman
Bordwell	Gallagher	Lincoln	Stacy
Bradley	Green	Mackin	Stauf

Braman	Griffin	McAfee	Struble
Brogan	Hanrahan	McGowan	Talmage
Burtis	Hauschel	McGroarty	G. Taylor
Calkins	Hess	Merwin	W. F. Taylor
T. C. Campbell	Hinckley	J. W. Miller	Tremain
T. J. Campbell	Hogan	Oakley	Vosburgh
Christopher	Holmes	Page	Wenzel
Clark	Hussey	Peck	West
Cleary	Ives	Petty	Willis
Coffey	W. Johnson	Pierson	Witbeck
Cole	Keenan	Ransom	Worth
Costigan	Kennaday	Rich	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend article 8 of title 8 of chapter 6 of part 2 of the Revised Statutes relating to the distribution of the personal property, of persons dying intestate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 80 {  
} NOES 1 {

Those who voted in the affirmative, were

Alvord	Cooke	Ives	Ransom
Badger	Daggett	W. Johnson	Rich
Barkley	Daly	Kennaday	Schuyler
Beach	Dessar	Kirk	Seward
Benedict	Edson	Krack	Sherwood
Berry	Ely	Kshinka	Shiel
Bordwell	Farrar	Lawrence	Smith
Bowen	Faulkner	Lawson	Stacy
Bradley	Fish	Lillybridge	Stephens
Braman	Friend	Lincoln	Talmage
Brown	Gallagher	McAfee	G. Taylor
Burtis	Gedney	McGowan	W. F. Taylor
Calkins	Griffin	McGroarty	Tremain
T. C. Campbell	Hanrahan	J. W. Miller	Vosburgh
T. J. Campbell	Hepburn	Muller	Wellington
Christopher	Hess	O'Keefe	Wenzel
Clark	Hogan	Page	Whitmore
Coffey	Holmes	Petty	Witbeck
Cole	Hussey	Pope	Worth
Comstock	Husted	Prince	Wurts

For the negative,

Russell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company for

the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schieffelin
Badger	Decker	Kirk	Soudder
Barrow	Edson	Krack	Seward
Beardsley	Ely	Kshinka	Sherwood
Benedict	Farrar	Lawrence	Shiel
Berry	Faulkner	Lawson	Smith
Bordwell	Fay	Lillybridge	Stacy
Bowen	Friend	Lincoln	Stauf
Bradley	Gallagher	McAfee	Struble
Braman	Green	McGowan	Talmage
Brown	Griffin	McGroarty	G. Taylor
Burtis	Hanrahan	J. W. Miller	Tewksbury
Calkins	Hepburn	Muller	Tremain
T. C. Campbell	Hinckley	O'Keefe	Vosburgh
T. J. Campbell	Hogan	Page	Wachner
Christopher	Holmes	Petty	Wenzel
Clark	Hussey	Pope	West
Coffey	Husted	Prince	Whitmore
Cole	Ives	Ransom	Witbeck
Cooke	W. Johnson	Rich.	Worth
Costigan	Keenan	Sanford	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the common council of the city of New York to re-open a part of Bloomingdale road, or Broadway, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Roscoe
Barkley	Decker	Krack	Sanford
Beach	Edson	Kshinka	Schenck
Beardsley	Ely	Lawrence	Schuyler
Benedict	Farrar	Lawson	Sherwood
Berry	Faulkner	Lincoln	Silverman
Bishop	Fish	Mackin	Stacy

Bradley	Friend	McGowan	Stephens
Braman	Gallagher	McGroarty	Talmage
Brogan	Hanrahan	J. W. Miller	G. Taylor
Burtis	Hepburn	Muller	W. F. Taylor
Calkins	Hess	Oakley	Vosburgh
T. C. Campbell	Hogan	Page	Waehner
T. J. Campbell	Houghton	Peck	Wenzel
Christopher	Hussey	Pierson	West
Cleary	Ives	Pope	Willis
Cole	W. Johnson	Ransom	Witbeck
Cooke	Keenan	Rich	Wurts
Costigan	Kennaday		

Those who voted in the negative, were

Barrow	McAfee	Schieffelin	Seward
Gedney			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to further amend chapter 138 of the Laws of 1858, entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair,' passed March 24, 1857, passed April 12, 1858," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schieffelin
Badger	Decker	Krack	Scudder
Barkley	Edson	Kshinka	Shattuck
Barrow	Ely	Law	Sherwood
Beardsley	Farrar	Lawrence	Shiel
Benedict	Faulkner	Lawson	Smith
Berry	Fish	Lincoln	Stauf
Bordwell	Friend	Mackin	Struble
Bradley	Gallagher	McGowan	Talmage
Braman	Green	McGroarty	G. Taylor
Brogan	Griffin	J. W. Miller	W. F. Taylor
Burtis	Hanrahan	Oakley	Tremain
Calkins	Hauschel	Page	Vosburgh
T. C. Campbell	Hess	Petty	Wellington
T. J. Campbell	Hinckley	Pierson	Wenzel
Christopher	Hogan	Prince	Whitmore
Clark	Houghton	Reilly	Willis
Cleary	Ives	Roscoe	Witbeck

Cole  
Cooke  
Daggett

W. Johnson  
W. A. Johnson  
Keenan

Russell  
Schenck

Worth  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the Port road in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Keenan	Schieffelin
Badger	Daly	Kirk	Schuyler
Barrow	Decker	Krack	Seward
Beach	Edson	Kshinka	Shattuck
Benedict	Ely	Lawrence	Sherman
Berry	Farrar	Lewis	Shiel
Bishop	Faulkner	Lincoln	Slingerland
Bordwell	Fish	McAfee	Stauf
Bradley	Friend	McGowan	Struble
Braman	Gedney	McGroarty	Talmage
Brown	Griffin	J. W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	W. F. Taylor
Calkins	Hauschel	O'Keefe	Vedder
T. C. Campbell	Hess	Peck	Waehner
T. J. Campbell	Hogan	Petty	Wenzel
Christopher	Holmes	Prince	West
Clark	Hussey	Reilly	Willis
Cleary	Husted	Rich	Witbeck
Cole	Ives	Sanford	Worth
Cooke	W. Johnson	Schenck	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water, and to protect said village and the property therein against loss by fire,'" was read a third time

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Daly	Kirk	Schenck
Barkley	Decker	Krack	Schuyler

Beach	Dessar	Kshinka	Seward
Benedict	Edson	Lawrence	Sherwood
Bennett	Ely	Lawson	Shiel
Berry	Faulkner	Lillybridge	Slingerland
Bordwell	Fay	Lincoln	Speaker
Bradley	Friend	Mackin	Stephens
Braman	Gallagher	McGowan	Struble
Brogan	Gedney	McGroarty	Talmage
Burtis	Griffin	J. W. Miller	G. Taylor
Calkins	Hanrahan	Muller	Tewksbury
T. C. Campbell	Hepburn	Oakley	Tremain
T. J. Campbell	Hess	Page	Vosburgh
Christopher	Hogan	Petty	Waehner
Clark	Holmes	Pope	Wenzel
Coffey	Hussey	Ransom	Whitmore
Comstock	Ives	Reilly	Witbeck
Cooke	W. Johnson	Roscoe	Worth
Costigan	Kennaday	Sanford	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Talmage, the motion to reconsider the vote on the final passage of the bill entitled "An act to provide for assessing and collecting the cost of lands taken for Prospect park, in the city of Brooklyn," was taken from the table.

Mr. Talmage moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths of said members being present.

{ AYES 30 }  
{ NOES 61 }

Those who voted in the affirmative, were

Badger	Hess	Petty	Struble
Bowen	Holmes	Prince	W. F. Taylor
Bradley	Houghton	Russell	Tewksbury
Burtis	Hussey	Sanford	Vedder
Clark	Husted	Seward	West
Coffey	Law	Sherwood	Willis
Farrar	McAfee	Stacy	Worth
Hepburn	Peck		

Those who voted in the negative, were

Alvord	Costigan	Kirk	Rich
Barrow	Decker	Kshinka	Schenck
Beardsley	Dessar	Lawrence	Schieffelin
Benedict	Edson	Lawson	Scudder
Berry	Ely	Lincoln	Shattuck
Bishop	Faulkner	Mackin	Shiel
Bordwell	Fish	McGowan	Smith



Broas	Friend	McGroarty	Speaker
Brogan	Gedney	Merwin	Talmage
Bowen	Griffin	J. W. Miller	Vosburgh
Calkins	Hanrahan	Muller	Waehner
T. C. Campbell	Hauschel	Oakley	Wellington
T. J. Campbell	Ives	Page	Wenzel
Christopher	W. Johnson	Pierson	Witbeck
Cole	Keenan	Reilly	Wurts
Cooke			

The bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 66 }  
{ NOES 31 }

Those who voted in the affirmative, were

Badger	Farrar	Kshinka	Schieffelin
Barkley	Fish	Law	Shattuck
Beardsley	Gallagher	Lawrence	Sherwood
Bennett	Griffin	Lawson	Silverman
Berry	Hammond	Lewis	Smith
Bordwell	Hanrahan	Lincoln	Struble
Bradley	Hauschel	Merwin	G. Taylor
Broas	Hinckley	J. W. Miller	W. F. Taylor
Brogan	Hogan	Muller	Vedder
Brown	Holmes	O'Keefe	Waehner
Christopher	Houghton	Pierson	Wenzel
Coffey	Hussey	Prince	West
Cooke	Ives	Ransom	Willis
Daly	W. Johnson	Reilly	Witbeck
Davis	Keenan	Sanford	Worth
Dessar	Kirk	Schenck	Wurts
Ely	Krack		

Those who voted in the negative, were

Alvord	T. J. Campbell	Kennaday	Schuyler
Barrow	Clark	McAfee	Scudder
Benedict	Decker	McGowan	Seward
Bishop	Edson	Oakley	Stacy
Brown	Faulkner	Page	Stephens
Burtis	Gedney	Peck	Vosburgh
Calkins	Hess	Petty	Wellington
T. C. Campbell	Husted	Russell	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the resolution, as amended, to print 1,500 copies of the report of the Institution for the Improvement of Deaf-mutes.

The bill entitled "An act to amend section 15 of article 1 of chapter 3 of part 1 of the Revised Statutes, relative to the paying over of

moneys by the collectors of taxes in the several towns of this State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Scudder
Badger	Edson	Krack	Shattuck
Beach	Ely	Kshinka	Sherwood
Beardsley	Farrar	Lawrence	Silverman
Bennett	Faulkner	Lewis	Smith
Berry	Fish	Lillybridge	Stauf
Bordwell	Friend	Lincoln	Stephens
Bowen	Gallagher	McAfee	Struble
Braman	Gedney	McGowan	Talmage
Brogan	Green	McGroarty	G. Taylor
Burtis	Griffin	J. W. Miller	Tewksbury
Calkins	Hanrahan	Oakley	Vedder
T. C. Campbell	Hauschel	Page	Vosburgh
T. J. Campbell	Hess	Peck	Waehner
Christopher	Hinckley	Pierson	Wenzel
Clark	Holmes	Prince	West
Coffey	Hussey	Reilly	Whitmore
Cole	Ives	Rich	Willis
Cooke	W. Johnson	Russell	Witbeck
Costigan	Keenan	Schenck	Worth
Daly	Kennaday	Schuyler	Wurts

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the official acts of Milo S. Day, a justice of the peace of the town of Harford, Cortland county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schenck
Badger	Decker	Kirk	Schuyler
Barrow	Edson	Krack	Seward
Beardsley	Ely	Kshinka	Sherwood
Benedict	Farrar	Lawrence	Silverman
Berry	Faulkner	Lawson	Smith
Bishop	Fish	Lillybridge	Stauf

Bordwell	Friend	Lincoln	Stephens
Bradley	Gallagher	McAfee	Talmage
Brogan	Griffin	McGowan	G. Taylor
Brown	Hammond	McGroarty	Tewksbury
Burtis	Hanrahan	J. W. Miller	Tremain
Calkins	Hepburn	Oakley	Vosburgh
T. C. Campbell	Hess	Page	Waehner
T. J. Campbell	Hinckley	Peck	West
Christopher	Hogan	Petty	Whitmore
Clark	Houghton	Pierson	Willis
Coffey	Ives	Prince	Witbeck
Comstock	W. Johnson	Reilly	Worth
Cooke	W. A. Johnson	Rich	Wurts
Costigan			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Oakley moved that when this House adjourns it adjourn to meet on Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. T. C. Campbell moved to reconsider the vote just taken.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The bill entitled "An act to enlarge the jail limits of the county of Yates," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schenck
Badger	Decker	Kirk	Schuyler
Barkley	Edson	Krack	Scudder
Barrow	Ely	Kshinka	Shattuck
Beardsley	Farrar	Lawrence	Sherwood
Bennett	Faulkner	Lawson	Silverman
Berry	Fish	Lincoln	Smith
Bordwell	Friend	Mackin	Speaker
Bradley	Gallagher	McGowan	Stauf
Braman	Green	McGroarty	Stephens
Brogan	Griffin	J. W. Miller	Talmage
Brown	Hanrahan	Muller	G. Taylor
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hess	Page	Vedder
T. C. Campbell	Hinckley	Peck	Vosburgh
T. J. Campbell	Hogan	Pierson	Wellington
Christopher	Houghton	Prince	West
Clark	Ives	Ransom	Whitmore
Cole	W. Johnson	Rich	Witbeck

Comstock  
Cooke  
Daggett

W. A. Johnson  
Keenan

Roscoe  
Sanford

Worth  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Buffalo,' passed April 28, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schenck
Badger	Decker	Kirk	Schuyler
Barrow	Edson	Krack	Scudder
Beach	Ely	Kshinka	Shattuck
Benedict	Faulkner	Lawrence	Sherwood
Bennett	Fish	Lewis	Silverman
Bishop	Friend	Lincoln	Smith
Bowen	Gallagher	Mackin	Stacy
Braman	Green	McAfee	Stephens
Brogan,	Hammond	McGroarty	Struble
Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hepburn	Muller	Tewksbury
T. C. Campbell	Hess	Oakley	Vedder
T. J. Campbell	Hinckley	Page	Waehner
Christopher	Holmes	Peck	Wenzel
Cleary	Houghton	Pierson	Willis
Coffey	Husted	Reilly	Witbeck
Comstock	W. Johnson	Rich	Worth
Cooke	W. A. Johnson	Sanford	Wurts
Daggett	Keenan		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daggett	Keenan	Schenck
Badger	Daly	Kennaday	Schuyler
Barkley	Decker	Kirk	Scudder

Beach	Edson	Krack	Shattuck
Benedict	Ely	Kshinka	Sherwood
Bennett	Farrar	Lawrence	Shiel
Bishop	Faulkner	Lewis	Smith
Bowen	Friend	Lincoln	Stauf
Bradley	Gallagher	Mackin	Stephens
Braman	Green	McGowan	Talmage
Brogan	Griffin	McGroarty	G. Taylor
Brown	Hanrahan	J. W. Miller	W. F. Taylor
Burtis	Hauschel	Muller	Tremain
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hogan	Page	Waehner
T. J. Campbell	Houghton	Peck	West
Christopher	Hussey	Pope	Willis
Cleary	Ives	Ransom	Worth
Comstock	W. Johnson	Rich	Wurts
Cooke	W. A. Johnson	Russell	

For the negative,

O'Keefe

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 6, 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schenck
Badger	Davis	Krack	Schuyler
Barrow	Dessar	Kshinka	Scudder
Beach	Ely	Law	Shattuck
Benedict	Farrar	Lawson	Sherwood
Bennett	Fay	Lillybridge	Silverman
Bishop	Fish	Lincoln	Stacy
Bordwell	Friend	McAfee	Stauf
Bradley	Gedney	McGowan	Struble
Braman	Griffin	McGroarty	Talmage
Brogan	Hammond	J. W. Miller	G. Taylor
Burtis	Hauschel	W. Miller	Tewksbury
Calkins	Hepburn	Oakley	Tremain
T. C. Campbell	Hess	Page	Vosburgh
T. J. Campbell	Holmes	Peck	Waehner
Christopher	Houghton	Pierson	Wenzel
Clark	Ives	Prince	West

Coffey	W. Johnson	Ransom	Witbeck
Cole	W. A. Johnson	Rich	Worth
Cooke	Keenan	Sanford	Wurts
Daggett	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 610 of Laws of 1874, entitled 'An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Seward
Badger	Edson	Lawson	Shattuck
Barrow	Ely	Lewis	Sherwood
Beach	Faulkner	Lillybridge	Silverman
Benedict	Fay	Mackin	Smith
Bennett	Friend	McGowan	Speaker
Bishop	Gallagher	McGroarty	Stauf
Bordwell	Gedney	J. W. Miller	Struble
Bradley	Griffin	W. Miller	Talmage
Broas	Hammond	Oakley	W. F. Taylor
Brown	Hauschel	Page	Tewksbury
Burtis	Hepburn	Peck	Tremain
T. C. Campbell	Hinckley	Pierson	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner
Christopher	Houghton	Ransom	West
Cleary	Ives	Rich	Whitmore
Coffey	Keenan	Roscoe	Willis
Cole	Kennaday	Sanford	Witbeck
Cooke	Kirk	Schieffelin	Worth
Daggett	Krack	Schuyler	Wurts
Daly	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Sanford
Badger	Dessar	Kirk	Scudder
Barrow	Edson	Krack	Shattuck
Beach	Ely	Kshinka	Sherwood
Benedict	Farrar	Lawrence	Shiel
Bennett	Faulkner	Lawson	Slingerland
Berry	Fish	Lewis	Smith
Bordwell	Friend	Lincoln	Stacy
Bradley	Gallagher	McAfee	Stauf
Broas	Green	McGowan	Struble
Brown	Hammond	McGroarty	Talmage
Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hepburn	Muller	Tewksbury
T. C. Campbell	Hess	Oakley	Vedder
T. J. Campbell	Hinckley	Page	Waehner
Christopher	Hogan	Peck	Wenzel
Clark	Houghton	Pierson	West
Cleary	Ives	Pope	Willis
Cole	W. Johnson	Ransom	Witbeck
Cooke	W. A. Johnson	Reilly	Worth
Costigan	Keenan	Roscoe	Wurts
Daly			

For the negative,

Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act authorizing the adjudication and settlement of certain claims arising out of the defalcations of the late treasurer of Columbia county with this State and the said county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Scudder
Badger	Edson	Lawrence	Shattuck
Barkley	Ely	Lawson	Sherwood
Beach	Farrar	Lillybridge	Shiel
Beardsley	Faulkner	Lincoln	Slingerland
Bennett	Fish	Mackin	Smith
Bishop	Friend	McAfee	Stacy
Bordwell	Gallagher	McGowan	Stauf
Bradley	Green	McGroarty	Struble
Braman	Griffin	J. W. Miller	Talmage



Brown	Hanrahan	Oakley	G. Taylor
Burtis	Hauschel	O'Keefe	Tewksbury
Calkins	Hess	Page	Tremain
T. C. Campbell	Hinckley	Petty	Vedder
T. J. Campbell	Holmes	Pierson	Waehner
Christopher	Hussey	Prince	Wellington
Cleary	Ives	Ransom	West
Coffey	W. Johnson	Rich	Whitmore
Cole	W. A. Johnson	Roscoe	Willis
Cooke	Kennaday	Russell	Witbeck
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schuyler	Wurts
Decker	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for the continuance of suits or actions," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 14 }

Those who voted in the affirmative, were

Alvord	Costigan	Keenan	Scudder
Barrow	Davis	Kennaday	Shattuck
Beach	Decker	Kirk	Sherwood
Beardsley	Dessar	Lawrence	Silverman
Bennett	Ely	Lawson	Slingerland
Berry	Farrar	Lewis	Smith
Bordwell	Fay	Lincoln	Speaker
Bowen	Gallagher	Mackin	Stauf
Bradley	Gedney	McGroarty	Stephens
Broas	Griffin	Merwin	Talmage
Brogan	Hanrahan	J. W. Miller	G. Taylor
Brown	Hauschel	Muller	W. F. Taylor
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hinckley	O'Keefe	Vosburgh
T. J. Campbell	Hogan	Petty	Wenzel
Cleary	Holmes	Pierson	Willis
Coffey	Houghton	Reilly	Witbeck
Cole	Hussey	Russell	Worth
Cooke	W. Johnson	Schuyler	Wurts

Those who voted in the negative, were

Badger	Christopher	Page	Seward
Benedict	Clark	Sanford	Tewksbury
Bishop	Husted	Schieffelin	Waehner
Burtis	McAfee		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to further amend chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh, and the several acts amendatory thereof,' passed May 6, 1872, also to amend chapter 551 of the Laws of 1872, entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh,' " being announced for a third reading.

On motion of Mr. J. W. Miller, and by unanimous consent, said bill was amended as follows:

Strike out in line 1, section 1, engrossed bill, the words "said act" and insert the words "chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh.'"

Insert at the commencement of section 3 the words "subdivision 21 of," and change capital S in the word "Section" to small s.

Insert after the word "paid," in line 14 of section 5, the words "by the county of Orange."

Strike out in line 1 of section 6, the word "two" and insert the word "one."

Change section 32 to section 31.

Amend the title so as to read, "An act to further amend chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh,' also to amend chapter 551 of the Laws of 1872, entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh.'"

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Keenan	Sanford
Badger	Daggett	Kennaday	Schenck
Barkley	Daly	Kirk	Schuyler
Beach	Dessar	Krack	Seward
Beardsley	Edson	Kshinka	Sherwood
Benediot	Ely	Lawrence	Shiel
Bennett	Farrar	Lawson	Smith
Bishop	Faulkner	Lillybridge	Speaker
Bordwell	Fay	Lincoln	Stauf
Bradley	Friend	McAfee	Struble
Braman	Gallagher	McGowan	Talmage
Brogan	Green	Merwin	G. Taylor
Brown	Griffin	J. W. Miller	Tewksbury
Burtis	Hanrahan	Muller	Tremain
Calkins	Hauschel	Oakley	Vosburgh
T. C. Campbell	Hess	Page	Wellington
T. J. Campbell	Hinckley	Petty	West
Christopher	Hogan	Pierson	Whitmore
Clark	Houghton	Prince	Willis
Coffey	Hussey	Ransom	Witbeck
Comstock	Ives	Rich	Worth
Cooke	W. Johnson	Roscoe	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act passed April 3, 1867, entitled 'An act in relation to railroads held under lease,'" was read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 33 }  
{ NOES 28 }

Those who voted in the affirmative, were

Alvord	Fay	Lawrence	Schenck
Barkley	Fish	Lincoln	Schnyler
Bennett	Gallagher	Mackin	Speaker
Berry	Gedney	McGroarty	Vedder
Brogan	Hanrahan	Merwin	Vosburgh
T. J. Campbell	Hauschel	J. W. Miller	Willis
Cole	Hogan	Ransom	Witbeck
Decker	Husted	Reilly	Worth
Edson			

Those who voted in the negative, were

Badger	Christopher	Holmes	Schieffelin
Benedict	Clark	Kennaday	Seward
Bishop	Costigan	Kirk	Smith
Bordwell	Daly	Krack	Stauf
Bowen	Ely	McGowan	W. F. Taylor
Burtis	Farrar	O'Keefe	Wachner
Calkins	Griffin	Petty	Wenzel

Mr. Alvord moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof," being announced for a third reading,

Mr. Daly moved to recommit said bill to the committee on railroads, with instructions to make the following amendment:

Amend section 5 by adding at the end thereof the following: "Nothing in this section or act contained shall be deemed or taken as authority or permission to said company to construct their railroad in any of the streets, avenues or public places in the city of New York, except to construct and build a continuous and direct line, as near as possible from their present terminus in said city of New York to the city of Yonkers, and to improve its track."

Debate was had thereon, when

Mr. Daly withdrew his motion.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof:

{ AYES 82 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Lawson	Shattuck
Badger	Davis	Lewis	Sherwood
Barkley	Decker	Lincoln	Shiel
Barrow	Edson	Mackin	Silverman
Benedict	Ely	McAfee	Slingerland
Bennett	Fay	McGowan	Smith
Berry	Fish	McGroarty	Speaker
Bishop	Griffin	Merwin	Stauf
Bordwell	Hammond	Muller	Stephens
Bowen	Hanrahan	Page	Talmage
Bradley	Hauschel	Petty	G. Taylor
Broas	Hepburn	Prince	W. F. Taylor
Brogan	Hess	Ransom	Tewksbury
Calkins	Hinckley	Reilly	Vedder
T. C. Campbell	Houghton	Russell	Vosburgh
T. J. Campbell	Husted	Schenck	Wenzel
Clark	W. Johnson	Schieffelin	Willis
Cleary	Keenan	Schuyler	Witbeck
Coffey	Kirk	Scudder	Worth
Cole	Krack	Seward	Wurts
Costigan	Lawrence		

For the negative,

Gedney

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Scudder
Badger	Edson	Kshinka	Shattuck
Barrow	Ely	Lawrence	Sherwood
Beach	Farrar	Lawson	Silverman
Benedict	Faulkner	Lillybridge	Slingerland
Bennett	Friend	Mackin	Stacy
Berry	Gallagher	McGowan	Stauf
Bordwell	Green	McGroarty	Struble

Bradley	Griffin	J. W. Miller	Talmage
Broas	Hammond	Muller	G. Taylor
Brown	Hauschel	O'Keefe	W. F. Taylor
Burtis	Hess	Peck	Tewksbury
Calkins	Hinckley	Petty	Vosburgh
T. C. Campbell	Houghton	Pope	Waehner
T. J. Campbell	Husted	Prince	Wenzel
Christopher	Ives	Reilly	West
Clark	W. Johnson	Roscoe	Willis
Cole	Keenan	Russell	Witbeck
Costigan	Kirk	Schenck	Wurts
Daly			

Those who voted in the negative, were

Coffey                      Worth

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the better security of railroad employees for labor performed," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 5 }

Those who voted in the affirmative, were

Barkley	Gallagher	Mackin	Seward
Barrow	Griffin	McAfee	Shattuck
Benedict	Hammond	McGowan	Sherwood
Bennett	Hanrahan	McGroarty	Shiel
Bishop	Hauschel	Merwin	Silverman
Bordwell	Hepburn	J. W. Miller	Smith
Bowen	Hess	Muller	Speaker
Broas	Hinckley	O'Keefe	Stauf
Brogan	Hogan	Page	Stephens
T. J. Campbell	Houghton	Petty	Talmage
Clark	Hussey	Pierson	G. Taylor
Cleary	W. Johnson	Ransom	W. F. Taylor
Coffey	Keenan	Reilly	Tewksbury
Cole	Kennaday	Rich	Vosburgh
Cooke	Krack	Russell	Wenzel
Daly	Kshinka	Sanford	Willis
Edson	Lawson	Schieffelin	Witbeck
Ely	Lewis	Schuyler	Worth
Fay	Lincoln	Scudder	Wurts

Those who voted in the negative, were

Alvord                      Holmes                      Schenck                      Waehner  
Decker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act for the incorporation of societies or clubs for certain lawful purposes," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 71 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Krack	Schieffelin
Badger	Daly	Kshinka	Sherwood
Barkley	Edson	Lawrence	Shiel
Barrow	Ely	Lawson	Smith
Benedict	Faulkner	Lincoln	Stacy
Berry	Fream	McAfee	Stephens
Bordwell	Friend	McGowan	Struble
Bradley	Gallagher	McGroarty	G. Taylor
Braman	Gedney	J. W. Miller	W. F. Taylor
Broas	Griffin	Oakley	Tremain
Burtis	Hanrahan	O'Keefe	Vosburgh
Calkins	Hepburn	Petty	Washner
T. C. Campbell	Hinckley	Pierson	Wenzel
T. J. Campbell	Hussey	Prince	Whitmore
Christopher	Husted	Ransom	Willis
Cleary	Ives	Roscoe	Worth
Coffey	W. A. Johnson	Sanford	Wurts
Comstock	Kennaday	Schenck	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act in relation to the Hudson River State Hospital for the Insane at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, and the Buffalo State Asylum for the Insane," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Barkley	Edson	Krack	Scudder
Barrow	Ely	Kshinka	Shattuck
Beardsley	Faulkner	Lawrence	Sherwood
Benedict	Fish	Lewis	Silverman
Berry	Friend	Lillybridge	Smith
Bordwell	Gallagher	Lincoln	Speaker
Bradley	Green	McAfee	Stauf
Braman	Griffin	McGowan	Struble
Brogan	Hammond	McGroarty	Talmage

Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hauschel	Muller	Tewksbury
T. C. Campbell	Hess	O'Keefe	Tremain
T. J. Campbell	Hinckley	Page	Vosburgh
Christopher	Holmes	Petty	Waehner
Cleary	Houghton	Pierson	Wenzel
Coffey	Husted	Prince	West
Comstock	Ives	Ransom	Willis
Cooke	W. Johnson	Reilly	Witbeck
Daggett	Keenan	Roscoe	Worth
Daly	Kennaday	Sanford	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

On motion of Mr. Alvord, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend and consolidate the several acts relating to the city of Elmira," and said bill was ordered engrossed and to a third reading.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to release to the heirs at law, devisees of William Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Also, presented a petition on the same subject; which were read and referred to the same committee.

On motion of Mr. Shiel, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers,' passed June 1, 1872, passed February 28, 1873," and the same ordered engrossed and to a third reading.

On motion of Mr. Hogan, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" and the same ordered to a third reading.

The Senate bill entitled "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schenck
Badger	Decker	Krack	Schuyler



Barrow	Edson	Kshinka	Scudder
Beach	Ely	Lawrence	Shattuck
Benedict	Farrar	Lawson	Sherwood
Bennett	Faulkner	Lillybridge	Slingerland
Berry	Fish	Lincoln	Stacy
Bordwell	Fream	McAfee	Stephens
Bradley	Gallagher	McGowan	Struble
Braman	Gedney	McGroarty	G. Taylor
Brogan	Griffin	J. W. Miller	W. F. Taylor
Brown	Hanrahan	Oakley	Tremain
Burtis	Hepburn	O'Keefe	Vedder
Calkins	Hess	Peck	Vosburgh
T. C. Campbell	Hinckley	Petty	Wellington
T. J. Campbell	Hussey	Pierson	Wenzel
Christopher	Husted	Prince	Whitmore
Cleary	W. Johnson	Ransom	Witbeck
Comstock	W. A. Johnson	Rich	Worth
Cooke	Keenan	Sanford	Wurts
Costigan	Kennaday.		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act for the support and maintenance of prisoners confined upon civil process," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 19 }

Those who voted in the affirmative, were

Badger	Davis	Kennaday	Rich
Barkley	Decker	Kirk	Schenck
Beardsley	Edson	Krack	Schuyler
Benedict	Farrar	Kshinka	Shattuck
Bennett	Faulkner	Lawrence	Shiel
Berry	Fay	Lawson	Silverman
Bradley	Fish	Lewis	Smith
Broas	Gallagher	Lincoln	Speaker
Brogan	Gedney	Mackin	Stauf
Brown	Hanrahan	McGowan	Stephens
Calkins	Hauschel	McGroarty	Talmage
T. C. Campbell	Hess	Merwin	G. Taylor
T. J. Campbell	Hinckley	J. W. Miller	W. F. Taylor
Christopher	Hogan	Muller	Tremain
Clark	Holmes	Oakley	Waehner
Cleary	Houghton	O'Keefe	Wenzel
Coffey	Hussey	Pierson	Witbeck
Costigan	W. Johnson	Ransom	Worth
Daly	Keenan	Reilly	

Those who voted in the negative, were

Alvord	Cole	McAfee	Seward
Barrow	Cooke	Petty	Sherwood
Bishop	Ely	Russell	Stacy
Bordwell	Griffin	Schieffelin	Vedder
Burtis	Husted	Scudder	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawson	Seward
Barkley	Ely	Lillybridge	Sherwood
Beardsley	Farrar	Lincoln	Shiel
Benedict	Faulkner	McAfee	Slingerland
Bennett	Fish	McGowan	Stacy
Berry	Gallagher	McGroarty	Stauf
Bordwell	Green	Merwin	Struble
Broas	Griffin	J. W. Miller	Talmage
Brogan	Hanrahan	Muller	G. Taylor
Brown	Hanschel	O'Keefe	W. F. Taylor
Oalkins	Hinckley	Page	Tremain
T. C. Campbell	Holmes	Peck	Vedder
T. J. Campbell	Hussey	Pierson	Waehner
Christopher	Ives	Pope	Wenzel
Clark	W. Johnson	Ransom	West
Coffey	Kennaday	Reilly	Willis
Cooke	Kirk	Roscoe	Witbeck
Costigan	Krack	Schenck	Worth
Daly	Kshinka	Schieffelin	Wurts
Decker	Lawrence	Scudder	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Worth, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to amend chapter 265 of the Laws of 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848," and the same ordered to a third reading,

By unanimous consent, Mr. Ransom introduced a bill entitled "An act authorizing the payment of claims and accounts not otherwise provided for," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

On motion of Mr. Hammond, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act in relation to railroad corporations," and the same ordered to a third reading.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act to provide for the settlement of the floating debt of the village of Saratoga Springs."

"An act to amend the charter of the village of Avon."

"An act to amend an act entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county,' passed April 10, 1857."

"An act to further amend chapter 306 of the Laws of 1861, entitled 'An act to amend the act passed May 8, 1846, entitled An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York.'"

"An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York.'"

"An act to increase the powers of the common council of the city of Brooklyn."

"An act to amend chapter 395 of the Laws of 1853, entitled 'An act for the incorporation of library companies,' passed June 17, 1853."

"An act to authorize James McAndrew to take, hold and convey real estate."

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the bill introduced by Mr. McGroarty, Int. No. 444, entitled "An act to establish a police district in the town of New Lots, and to provide for the government thereof," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Dickinson, printed No. 230, entitled "An act to provide for the building of a town house in the town of Fort Covington, in the county of Franklin," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the building of a town house or hall in the town of Fort Covington, in the county of Franklin," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. King, printed No. 226, entitled "An act to repeal chapter 309 of the Laws of 1853, entitled 'An act relative to the common lands in the town of North Hempstead, county of Queens,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Dayton, printed No. 188,

entitled "An act to amend an act entitled 'An act in relation to the salary of the supervisors of Albany county,' passed May 3, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Petty presented a remonstrance of the citizens of Suffolk county against the passage of the bill entitled "An act to provide for a correct interpretation of the statutes of this State having reference to intoxicating liquors;" which was read and referred to the committee on internal affairs.

By unanimous consent,

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. Rich, Int. No. 923, entitled "An act for the collection of taxes in the village of Brockport for the year 1872," reported in favor of the passage of the same, with the title amended so as to read "An act to authorize the collection of taxes in the village of Brockport," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. Costigan, Int. No. 574, entitled "An act to authorize appropriations for the poor adult blind in the city of New York not provided for in public or private institutions," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Wurts, from the committee on public health, introduced a bill entitled "An act to repeal chapter 580 of the Laws of 1872, entitled 'An act to incorporate the Union Stock Yard and Market Company,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the bill introduced by Mr. T. J. Campbell, Int. No. 1056, entitled "An act to regulate the pilotage for the port of New York," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the Senate bill introduced by Mr. Jacobs, Int. No. 180, entitled "An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulkheads, piers and ware-houses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn,' passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866," reported in favor of the passage of the same, with an amendment, which report was agreed to.

On motion of Mr. McGroarty, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the Senate bill introduced by Mr. King, Int. No. 186, entitled "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage and to regulate piers, wharves, bulk-heads and slips in the cities of New York and

Brooklyn,' " reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the Senate bill introduced by Mr. Robertson, Int. No. 89, entitled "An act to further amend an act entitled 'An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines,' passed April 12, 1852," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the Senate bill introduced by Mr. Woodin, Int. No. 176, entitled "An act to amend an act entitled 'An act to authorize William Hilliker to establish and maintain a ferry across Cayuga lake at Cayuga Bridge,' passed April 20, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Hussey, said bill was substituted for Assembly bill of the same title, now on the calendar of third reading of bills.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Ray, Int. No. 194, entitled "An act to amend an act entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, in the county of Dutchess,' passed April 4, 1866," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 193, entitled "An act relating to fare for carrying passengers on street railroads in the city of Buffalo," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Lord, Int. No. 197, entitled "An act to fix the rates of fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association in said city," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Daly, Int. No. 1044, entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and corrections of the city and county of New York," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was

referred the bill introduced by Mr. Alvord, Int. No. 881, entitled "An act to authorize the common council of the city of Syracuse to repave Salina street in said city," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Talmage, Int. No. 1010, entitled "An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street, in the city of Brooklyn,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Schieffelin, Int. No. 974, entitled "An act to authorize the board of assessors in the city of New York to revise and correct the assessment for the outlet sewer in Eightieth street and other streets in said city," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Shiel, Int. No. 999, entitled "An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York,' passed April 19, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Bradley, Int. No. 1064, entitled "An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' chapter 590, Laws of 1872, passed May 7, 1872," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill, Int. No. 101, entitled "An act to authorize and direct the mayor, aldermen and commonalty of the city of New York to pay to the county of Westchester claims and demands due said county of Westchester from said city and county of New York, growing out of the annexation to said city and county of New York of the late towns of Morrisania, West Farms and Kingsbridge," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Woodin, Int. No. 177, entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.



By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Hess, Int. No. 878, entitled "An act to determine and fix the title to the landed property of this State, and to abbreviate and simplify title papers and the mode of recording the same, and for other purposes," reported, asking that they be discharged from the further present consideration of said bill, and that the same be printed and recommitted to said committee; which report was agreed to, and said bill so ordered.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Ransom, Int. No. 268, entitled "An act to amend an act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' passed April 14, 1859," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,'" which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Husted, Int. No. 580, entitled "An act to amend an act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847, so far as applies to the Dale Cemetery Association in the town of Ossining, in the county of Westchester," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Friend, Int. No. 775, entitled "An act to confer upon the trustees of the incorporated villages of this State power to restrain and regulate the construction of wooden buildings, and to cause the removal or repair of unsafe walls, chimneys and other structures," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Sherman, Int. No. 1016, entitled "An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Tewksbury, Int. No. 977, entitled "An act for the relief and benefit of Strykersville Cemetery Association," reported adversely thereto, which report was agreed to.



By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Oakley, Int. No. 278, entitled "An act in relation to the draw-bridge over Newtown creek, between the first ward of Long Island City and the seventeenth ward of the city of Brooklyn," reported adversely thereto, which report was agreed to.

The Senate returned the bills entitled as follows:

"An act creating the office of inspector of public works."

"An act authorizing the payment of certain employees of the Senate and Assembly for services."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize the city of Elmira to pay claims for damages to certain lands caused by the erection of an elevated bridge upon Washington avenue in said city."

"An act to confirm the title of certain lands situate in the city of Newburgh to the grantees and heirs at law of Francis Wilson, alien, late of said city, deceased."

"An act to authorize the trustees of the village of Norwich, Chenango county, to buy real estate and erect a building thereon for the use of the fire department of said village, and for a village hall."

"An act to amend chapter 257 of the Laws of 1864, entitled 'An act to revise and consolidate the laws in relation to the village of Ithaca, in the county of Tompkins.'"

"An act to legalize the official acts of John E. Ashe, as notary public."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Oakley, Int. No. 97, entitled "An act relating to the care of the draw-bridge over Newtown creek, between the First ward of Long Island City and the Seventeenth ward of the city of Brooklyn," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Schieffelin, Int. No. 952, entitled "An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek,' " reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Kennaday introduced a bill entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the supreme court, and to the election of a judge of the court of common pleas in and for the city and county of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. McGroarty, Int. No. 1059, entitled "An act to amend an act passed April 17, 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings,' "

reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Kennaday, Int. No. 861, entitled "An act to provide for the apportionment of rents, annuities, dividends and other payments," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Lincoln, Int. No. 657, entitled "An act to authorize corporations to reduce their capital stock," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Beardsley, Int. No. 939, entitled "An act with regard to equitable defenses, as between co-defendants to actions brought on negotiable paper," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Beardsley, Int. No. 937, entitled "An act to amend an act entitled 'An act relative to disputed wills,' passed April 15, 1853," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Christopher, Int. No. 970, entitled "An act to provide for paying the expenses of the people and their relatives in actions and proceedings prosecuted by them against town officers for violation or omission of official duty," reported adversely thereto, which report was agreed to.

Pending the reading of said reports,

The hour of 2 o'clock having arrived, the House adjourned until Monday evening at 7½ o'clock.

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## MONDAY, MAY 3, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of Friday, April 30th, was dispensed with.

A message from the Senate was received and read informing that they assent to a committee of conference on the bill entitled "An act to require the Canal Board to investigate, consider and report upon the disposition to be made of the lateral canals," and have appointed as such committee Messrs. Woodin, Cole and Johnson.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act for the preservation of fish in Salmon river and Deer creek, in Oswego county."

"An act to confirm the title of the Associate Congregation of Bovina to its real and personal estate."

"An act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county."

*Ordered*, That the Clerk deliver said bills to the Governor.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor requesting the return to the Senate of Senate bill No. 99, entitled "An act authorizing the city of Buffalo to appropriate the unexpended proceeds of certain bonds of said city, issued in pursuance of the authority contained in chapter 242 of the Laws of 1872," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Leave of absence was granted to Messrs. Fream and Struble indefinitely.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bill entitled as follows:

"An act to amend chapter 438 of the Laws of 1862, entitled 'An act to provide for the formation of societies for the prevention of horse stealing.'"

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church,' passed April 14, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to confirm and legalize certain acts of the common council of the city of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

By unanimous consent, Mr. Burtis introduced a bill entitled "An act to provide for the opening and improving of Lewis avenue in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 863 of the Laws of 1873, entitled 'An act to amend the charter of the city of Brooklyn and the various amendments thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *May 3, 1875.* }

*To the Assembly:*

I return herewith, without my approval, Assembly bill No. 375, entitled "An act to amend section 10 of chapter 830 of the Laws of 1873, entitled 'An act to legalize the adoption of minor children by adult persons.'"

The act of 1873, which this bill proposes to amend, defines the adoption for which it provides as a "legal act whereby an adult person takes a minor into the relation of a child, and thereby acquires the rights and incurs the responsibilities of a parent in respect to such minor." It prescribes the method whereby the adoption is to be accomplished; concerning which it is only necessary to say here that, if the child is upward of twelve years of age, his consent is required; that the consent of parents is also required; but if both parents are dead, or the survivor has been guilty of certain acts of misconduct specified in the act, or is incompetent to consent, it is sufficient to procure the consent of "an adult person having the lawful custody of the child;" that the persons required to consent are to appear before the county judge, who, if he is satisfied that "the moral and temporal interests of the child will be promoted by the adoption," must make an order "directing that the child shall be regarded and treated in all respects as the child of the person adopting." Then follows the tenth section, declaring that the child and the person adopting "shall sustain to each other the legal relation of parent and child, and have all the rights and be subject to all the duties of that relation, excepting the right of inheritance, except that as respects the passing and limitation over of real and personal property, under and by deeds, conveyances, wills, devises and trusts, said child adopted shall not be deemed to sustain the legal relation of child to the person so adopting."

The bill now returned proposes to strike out all of the tenth section after the word "relation," so that the adoption will thenceforth have precisely the same legal effect as if the child and the person adopting were parent and child by blood.

The exceptions created by the provisions proposed to be stricken out are of two different descriptions. The first prevents the application to the relation by adoption of the rules of law regulating the descent of real property and the distribution of personal property. If the only effect of striking out this exception would be to enable the adopted child to inherit or take, as next of kin, from the parent adopting in like manner as a child by blood, the change might be unobjectionable. It would generally be only carrying out the presumed intent of the person adopting in entering into the relation. Whether the child would be entitled to inherit from the collateral relatives of the parent adopting, is a very grave and a doubtful question, which ought to be settled by the statute. But it is certain that the rules of descent and of distribution, as between the parent adopting and the child, would work both ways; that the parent would inherit from the child as well as the child from the parent. It appears to me manifestly unjust and inexpedient to provide that the adopting adult shall inherit and take as heir and next of kin from the adopted minor. If the law should be thus changed, an unprincipled or even a selfish man or woman, notwithstanding the guards thrown around the child by the statute, might easily, in many cases which may be suggested, cause all the forms of the statute to be com-

plied with in such a manner as to adopt as his own child a rich orphan minor for the purpose of inheriting from him. If the child is under twelve years of age, the adopting parent may be substituted as his heir and next of kin, if this bill becomes a law, without his consent; and even supposing that the consent of a child of upward of twelve years ought to carry any moral or legal weight in a question of property, it would be irrevocable till he attains majority; and then only by means of the positive act of making a will. On the other hand, on the next day after the adoption the adopting parent may, by a will, cut off the child from any share in his property. But apart from this consideration the proposed bill would thus operate unjustly; it would, in case of the death of a child before attaining the age when he can make a will, or after that age, if he dies intestate, cut off his natural heirs and next of kin, who might be his own infant brothers and sisters by blood. The Legislature ought not to enable a child who has not legal capacity to make a will, to change the course of succession to its real and personal property, by means of a legal proceeding taken by him in connection with interested strangers. Still less ought the State to allow such a change to be effected by the act of strangers alone.

The second exception which this bill proposes to strike out prevents the fictitious relation of parent and child created by the adoption from affecting the passing and limitation over of real or personal property. This qualification was also inserted for the protection of third persons; its effect is to prevent the intent of a testator or grantor of property from being defeated in consequence of the adoption, by the diversion of the property from the direction which he intended. The clause operates in both ways; it prevents a diversion of property limited over after the death either of the adopting parent or of the adopted child; and in either aspect it is eminently just and proper, and should be retained. From the nature of the case, the person who creates an intermediate estate with a limitation over, does not intend that the holder of the intermediate estate shall absolutely dispose of it. He generally means that it shall go to his own blood, and his intention is defeated if a stranger is interposed. For instance, a testator leaves an estate to his son for life, with remainder to the children of the son, or, in default of such heirs, to another son and the latter's children. The first taker having no children, adopts a child under this act, perhaps in consequence of a family quarrel, and for the express purpose of disappointing his brother's children. Can there be any doubt than the testator's intent is defeated? The consequences which would ensue, if the child adopted was the holder of the lesser estate, are of the same general character. Again, the abrogation of the exception now under consideration may work an injury to the adopted child by depriving him of an estate limited to him as the child or an heir of his parent by blood. It would, at all events, raise a difficult question for decision by the courts.

The bill is unnecessary for any purpose, except to protect the adopted child of a person neglecting to make a will.

Though there might be a certain small convenience in providing by law against such an oversight or neglect in such a possible case, the motive is totally inadequate to call for or justify a fundamental change in the laws which define the relations of kindred and their rights in respect to property.

The rules of our customary jurisprudence which regulate these relations, and the rights of property incident to them, are the gradual



growth of many centuries, and have become a refined and complicated system, adapted by the best intellects to the wants of our society in the infinite diversity of conditions which experience has developed. Such a change as is proposed by this bill would be likely to produce many consequences not foreseen by its projectors, and should not be adopted without a consideration and discussion to which it has not been submitted. The people have become acquainted with the laws which have existed from time immemorial, and are accustomed to act with reference to them. A deviation to meet a special and peculiar instance may be worked out by affirmative acts. It would be unwise, in order to accommodate such a case, to enact a revolution of legal rules which would require a series of affirmative acts to produce the results which the people are accustomed to regard a matter of course.

SAMUEL J. TILDEN.

On motion of Mr. Alvord, said message was laid on the table.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 3, 1875.

*To the Assembly:*

I return herewith, without my approval, Assembly bill No. 100, entitled "An act to enable married women to release and to confirm releases of dower and inchoate rights of dower in certain cases."

The second section of this bill confirms every release of an inchoate right of dower heretofore made by a married woman during coverture to a person in possession of real property under title derived from the husband, although the husband has not joined in such release; and the bill contains no clause saving existing rights, even where an action is actually pending.

It is well settled that such a release is absolutely void in the present state of the law in this State.

This bill, therefore, is intended to validate conveyances which are now invalid, and to make effectual releases which are now ineffectual.

It is, therefore, certainly improper, and probably unconstitutional.

SAMUEL J. TILDEN.

On motion of Mr. Alvord, said message was laid on the table.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 3, 1875.

*To the Assembly:*

I return herewith without approval Assembly bill No. 199, entitled "An act to provide for the recording of certain decrees in partition suits now remaining on file in the office of the clerk of Onondaga county, and for the alphabetical indexing of certain records of deeds and mortgages in the office of said clerk."

The first section directs that all decrees making partition of real estate now on file in the clerk's office of Onondaga county shall be recorded. The provision is a very proper one, but it ought obviously to be extended so as to cover as well decrees of partition which may hereafter be filed as those already filed. The provision, moreover, ought to be general, applying alike to all the counties of the State.

The second section directs a general alphabetical index to be made of the grantors and grantees in all instruments now recorded in said office affecting real estate. Of the necessity for this work the local authorities are the best judges, and the expense is a charge upon the county. Assuming that the board of supervisors have not already, under section 7 of chapter 855 of the Laws of 1869, full authority in the premises, any law now made on the subject ought to leave it to their discretion to order the work.

The Legislature now have under consideration a general bill conferring further powers on the board of supervisors. It would be better in that bill to give all the authority necessary in such instances as this, so that matters so obviously of local interest and of local expenditure as this is may not be pressed upon the attention of the Legislature, taking up time which should be given to the general business of the State.

I feel confident that on consideration the Legislature will agree with me in these views.

SAMUEL J. TILDEN.

On motion of Mr. Alvord, said message was laid on the table.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 3, 1875. }

*To the Assembly:*

I return herewith without my approval Assembly bill No. 262, entitled "An act supplementary to act chapter 200 of the Laws of 1874, entitled 'An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga Salt Springs Reservation by the Commissioners of the Land Office,' and authorizing the Commissioners of the Land Office to exchange lands on said reservation."

The constitutional provision regulating the lands owned by the State contiguous to the salt springs is as follows:

"The Legislature shall never sell or dispose of the salt springs belonging to this State. The lands contiguous thereto and which may be necessary and convenient for the use of the salt springs, may be sold by authority of law and under the direction of the Commissioners of the Land Office, for the purpose of investing the moneys arising therefrom in other lands alike convenient, but by such sale and purchase the aggregate quantity of these lands shall not be diminished."

The first section of this bill read thus: "If any lands heretofore acquired by the State on the Onondaga Salt Springs Reservation, as lots on which to manufacture fine salt, shall have been so acquired by gift or grant, without compensation to the original owner or owners thereof by the State, and if the Commissioners of the Land Office and the superintendent of the Onondaga salt springs shall at any time determine and officially certify that any of said lots are no longer necessary for the purpose of manufacturing fine or boiled salt thereon, the Commissioners of the Land Office shall not sell the same, but may in their discretion re-convey, without cost to the State, such lot or lots to the original owner or owners, their heirs or assigns, without cost or expense to the State, and discharged from all obligation expressed or implied on the part of the State to furnish said lot or lots with salt water from the public pumps."

The words "gift or grant without compensation," will be construed



to mean a conveyance for which no money has been paid by the State. The lands may, however, have been conveyed in consideration of advantages to the grantors other than the receipt of money. It may have been greatly for their interest to convey these lands to the State and to take back leases with "the obligation on the part of the State to furnish said lot or lots with salt water from the public pumps." It can hardly be believed that the lands were given to the State in pure generosity, with a view simply to increase the public domain. Their former owners converted them from private lands into State lands in order to reap some benefit from this change of title; and this benefit they have no doubt enjoyed. There is probably no more reason why the State should give away these lands to their former owners than to any one else; nor any more reason why it should give them away at all than any other property it owns.

The Constitution provides that these lands may be sold, not given away; that they may be sold only for the purpose of investing the proceeds in other lands, and that the aggregate of these salt lands shall not be diminished. The bill provides that the lands shall not be sold, but may be given away; there will be no proceeds to be reinvested, and so the aggregate of lands will be diminished.

The Constitution speaks of "the lands contiguous thereto, and which may be necessary and convenient for the use of the salt springs." This bill, in providing for an official determination which is to precede and to be relied on to justify the proposed re-conveyance by the State, requires a certificate only to the effect that "said lots are no longer necessary for the purpose of manufacturing fine or boiled salt thereon." The lands may, notwithstanding, be necessary and convenient for coarse salt or for other purposes connected with the manufacture of salt.

A reference to section 44 of chapter 346 of the Laws of 1859, will show that if the State provide for vacating any leases before their expiration, as it must do if it re-conveys the lands and is discharged from all obligation to furnish the lots with salt water, claims are likely to arise against the State for the value of any salt manufactories erected by the lessees thereon. For protection against such claims the bill makes no provision.

The bill is open to the objection that, if its purposes are carried out, wrong is likely to be done to the rights and interests of the State. Moreover it conflicts, in my judgment, with the spirit and intent if not with the letter of section 7 of article 7 of the Constitution.

SAMUEL J. TILDEN.

On motion of Mr. Alvord, said message was laid on the table.

Mr. Alvord called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

Senate, "An act to release the right, title and interest of the people of the State of New York in and to certain real estate of which James Gillen died seized, to Elizabeth Ryall, late widow of the said James Gillen, deceased, and now wife of Christopher Ryall."

"An act regulating the erection and maintenance of fire-escapes upon certain buildings, and for the better security of life in case of fire." With the following amendments:

In section 1, line 2, after the words "New York" insert the words "and county of Kings." Same section, line 19, after the word "organization" insert the words "of such city or village."

"An act supplemental to chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to amend section 6 of an act entitled 'An act for the incorporation of villages,' passed April 20, 1870." With the following amendment:

Amend the title so as to read "An act to amend section 6 of title 4 of chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

Senate, "An act to enlarge the board of education in union free school district No. 6, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said district, and to erect thereupon a new school-house, and to provide for the raising of money therefor."

Senate, "An act to release the title and interest of the people of the State of New York in and to certain real estate of which Henry Doyle, late of the city of Auburn, in the State of New York, died seized, to Bridget Doyle, his wife."

Senate, "An act for the relief of Catherine T. Wetmore and her children."

Senate, "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866," reported in favor of the passage of the same.

On motion of Mr. Burtis, said report was laid on the table.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Gross, Int. No. 174, entitled "An act to authorize the board of police of the city of New York to grant new trials," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Selkreg, Int. No. 187, entitled "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Dayton, Int. No. 113, enti-

ted "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or Territories of the United States,' passed March 10, 1870," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill, Int. No. 178, entitled "An act to carry into effect the command of section 7 of article 10 of the Constitution by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal," reported the same for the consideration of the House, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Lowery, Int. No. 84, entitled "An act to amend an act entitled 'An act to regulate proceedings against corporations by injunctions and otherwise,' passed April 7, 1870," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Daly, Int. No. 1015, entitled "An act to carry into effect the command of section 7 of article 10 of the Constitution, by providing for the removal of certain officers therein mentioned, and for filling the vacancies created by such removal," reported the same for the consideration of the House, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, introduced a bill entitled "An act to carry into effect the command of section 7 of article 10 of the Constitution, by providing for the removal of certain officers therein mentioned, and for filling vacancies created by such removal," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Lincoln, Int. No. 757, entitled "An act to amend chapter 733 of the Laws of 1871, entitled 'An act in relation to actions against sheriffs,'" reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Talmage, Int. No. 751, entitled "An act to render the real estate of the Greenwood cemetery in the county of Kings liable to assessments for local improvements," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Kshinka, Int. No. 960, entitled "An act in relation to marshals and constables serving at courts within the county of Albany," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was

referred the bill introduced by Mr. Hepburn, Int. No. 780, entitled "An act in relation to publishing surrogates' notices and citations," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Waehner, Int. No. 323, entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Lincoln, Int. No. 7, entitled "An act in relation to the appointment of a stenographer for the courts of record held in and for the county of Ontario," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was recommitted the bill introduced by Mr. Benedict, Int. No. 800, entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" retaining its place on general orders, reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill recommitted to the committee of the whole.

Mr. Waehner moved that said bill be made a special order for Wednesday morning, immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Vosburgh, Int. No. 1007, entitled "An act in relation to the alms-house and insane asylum in the city of Albany, and the sale and purchase of real property in connection therewith," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Cleary, Int. No. 971, entitled "An act to provide for the appointment of commissioners of a code of criminal procedure, and to revise, reform, simplify, arrange and consolidate the rules, practice, pleadings, forms and proceedings of the several courts of this State in all criminal actions, prosecutions and proceedings," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Schenck, Int. No. 941, entitled "An act to facilitate the dissolution of manufacturing companies, and to secure the payment of their debts," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Smith, Int. No. 804, entitled "An

act to transfer the care and management of the county jail of the county of New York to the commissioners of charities and corrections of the city and county of New York," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Costigan, Int. No. 930, entitled "An act to provide for the recording of certain decrees in partition suits now remaining on file in the office of clerk of the county of New York, and for the alphabetical indexing of certain records of deeds and mortgages in the office of said clerk," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Keenan, Int. No. 929, entitled "An act to amend an act entitled 'An act to amend chapter 359 of the Laws of 1858, entitled An act for the prevention of masquerades,' passed April 25, 1829," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 270 of the Laws of 1829, entitled 'An act for the prevention of masquerades,'" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act authorizing the city of Buffalo to convey to adjacent land owners lands lying within the limits of certain streets located in the south village of Black Rock, whenever any such street shall be discontinued or contracted."

"An act to extend the time for the collection of taxes in the city of Elmira."

"An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes."

"An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories.'"

"An act to provide for holding the annual elections of the village of Hornellsville at the lock-up in said village, and to limit the number of trustees of said village to five."

"An act to provide for the construction of sewers in the city of Yonkers."

"An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain."

"An act to declare a road in Clinton county a public highway."

"An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875 for the construction of new work upon and extraordinary repairs of the canals of this State."

"An act to release the interest which the State of New York may have acquired to the real estate of which John Smith died seized to his widow, Mary Newman."

"An act to amend an act entitled 'An act to incorporate the New York City Sunday School (church extension) and Missionary Society of the Methodist Episcopal Church,' passed April 14, 1866, amended March 14, 1871, again amended May 13, 1872."



"An act to provide for the construction and maintenance of two additional public baths in the city of New York."

"An act to authorize the village of Port Henry, in Essex county, to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same."

"An act to amend an act entitled 'An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company, and Rockaway Railroad Company of Queens county, of New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies,' passed May 31, 1872."

"An act to authorize the reduction of the capital stock of the New York Loan and Indemnity Company in the city of New York, and to change its corporate name."

"An act for the improvement of Myrtle avenue in the city of Brooklyn."

"An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district."

"An act in relation to the estate of the infant children and heirs at law of Martha West Yale, deceased."

"An act relating to free instruction in drawing."

"An act to provide houses of detention in the several counties of this State for the safe-keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses."

"An act to amend an act entitled 'An act to amend the act for the protection and improvement of the Seneca Indians residing on the Cataraugus and Allegany reservations, in this State,' passed November 15, 1847."

"An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow."

"An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes in relation to disorderly persons."

"An act for the incorporation of library societies."

"An act for the relief of James Luther McCoy."

"An act confirming the title of the trustees of school district No. 3, in the town of Amherst, in the county of Erie, to the lands and property of the Williamsville Academy, in said county."

"An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to provide for and regulate the mode of admission of attorneys and counselors coming from the courts of other States to practice in the courts of this State."

"An act to amend chapter 825 of the Laws of 1873, entitled 'An act to authorize the laying of rails and to run cars thereon for the transpor-

tation of passengers in certain streets and avenues in the upper part of the city of New York."

"An act to prevent the commission of frauds in the purchase and sale of real estate in the counties of New York and Kings."

"An act in relation to the benevolent fund of the late volunteer fire department of the late town of Morrisania, now the twenty-third ward of the city of New York."

"An act to further amend the charter of the village of Delhi."

"An act to amend chapter 253 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the New York and Brooklyn Iron Tubular Tunnel Company.'"

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies,'"

"An act establishing and declaring the use of the dock and pier at the ferry landing on the easterly side of Front street, between Canal and Water streets, in the village of Edgewater, Richmond county."

"An act to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

"An act to provide for raising money to provide an armory in the city of Brooklyn for the Fourteenth Regiment of the National Guard of the State of New York."

"An act to enable the city of Yonkers to consolidate and equalize the time of payment of its bonded debt."

"An act to enable the city of New York to finally settle and pay that part of the bonded debt of the late town of Yonkers apportioned to the late town of Kingsbridge."

"An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn.'"

"An act to change the name of the village of Sandy Hill to that of Hudson Falls."

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Stephens, Int. No. 1021, entitled "An act to incorporate the Electro Medical College of the State of New York in the city of New York," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hauschel, from the committee on federal relations, to which was referred the Senate bill, Int. No. 173, entitled "An act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Dessar introduced a bill entitled "An act in relation to arrears of taxes and assessments in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. T. C. Campbell moved to lay the present order of business on the table for the purpose of taking up the order of business "introduction of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The bill entitled "An act in relation to the estate of the infant children and heirs at law of Martha West Yale, deceased," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 73 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Krack	Schuyler
Barkley	Farrar	Kshinka	Scudder
Beach	Faulkner	Lewis	Seward
Beardsley	Fay	Lillybridge	Sherwood
Benedict	Fish	Lincoln	Shiel
Bennett	Friend	McAfee	Smith
Berry	Gedney	McGowan	Speaker
Bradley	Hanrahan	Merwin	Stephens
Braman	Hauschel	J. W. Miller	Talmage
Burtis	Hepburn	Oakley	G. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Pierson	Vosburgh
Christopher	Holmes	Ransom	Waehner
Clark	Hussey	Rich	Whitmore
Cleary	Husted	Roscoe	Willis
Coffey	Ives	Sanford	Witbeck
Costigan	W. A. Johnson	Schenck	Worth
Daly	Kirk	Schieffelin	Wurts
Edson			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Sunday School (church extension) and Missionary Society of the Methodist Episcopal Church,' passed April 14, 1866, amended March 14, 1871, again amended May 13, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Krack	Seward
Barkley	Farrar	Kshinka	Sherwood

Beach	Faulkner	Lawrence	Shiel
Beardsley	Fay	Lewis	Slingerland
Benedict	Fish	Lincoln	Smith
Bennett	Friend	McAfee	Speaker
Berry	Gedney	McGowan	Stacy
Bradley	Griffin	J. W. Miller	Stauf
Braman	Hammond	Oakley	Stephens
Burtis	Hanrahan	Page	Talmage
Calkins	Hepburn	Pierson	G. Taylor
T. C. Campbell	Hess	Ransom	Tewksbury
T. J. Campbell	Hinckley	Rich	Tremain
Christopher	Holmes	Roscoe	Vosburgh
Clark	Hussey	Russell	Waehner
Coffey	Husted	Sanford	Whitmore
Cole	Ives	Schenck	Witbeck
Costigan	W. Johnson	Schieffelin	Worth
Daly	W. A. Johnson	Schuyler	Wurts
Edson	Kirk	Scudder	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 70 {  
} NOES 1 {

Those who voted in the affirmative, were

Alvord	Costigan	W. A. Johnson	Sherwood
Barkley	Daly	Kirk	Shiel
Beach	Edson	Kshinka	Slingerland
Beardsley	Ely	Lawrence	Smith
Benedict	Farrar	Lewis	Speaker
Bennett	Faulkner	Lincoln	Stacy
Berry	Fay	McGowan	Stauf
Bradley	Fish	Merwin	Stephens
Braman	Friend	J. W. Miller	G. Taylor
Burtis	Gedney	Oakley	Tewksbury
Calkins	Griffin	Page	Tremain
T. C. Campbell	Hanrahan	Ransom	Vosburgh
T. J. Campbell	Hauschel	Rich	Waehner
Christopher	Hess	Roscoe	Whitmore
Clark	Hinckley	Russell	Willis
Cleary	Husted	Schuyler	Worth
Coffey	Ives	Seward	Wurts
Cole	W. Johnson		

For the negative,  
Hepburn

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to change the name of the village of Potsdam Junction, in the town of Potsdam, in the county of St. Lawrence, to Baldwin," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 75 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	W. Johnson	Schenck
Barkley	Dessar	W. A. Johnson	Schieffelin
Beach	Edson	Kirk	Schuyler
Beardsley	Ely	Krack	Scudder
Benedict	Farrar	Kshinka	Seward
Berry	Faulkner	Lawrence	Sherwood
Bradley	Fay	Lewis	Shiel
Braman	Fish	Lillybridge	Slingerland
Burtis	Friend	Lincoln	Smith
Calkins	Gedney	McAfee	Speaker
T. C. Campbell	Griffin	McGowan	Stauf
T. J. Campbell	Hanrahan	Merwin	Stephens
Christopher	Hauschel	J. W. Miller	Talmage
Clark	Hepburn	Page	G. Taylor
Cleary	Hess	Pierson	Waehner
Coffey	Holmes	Ransom	Whitmore
Cole	Hussey	Rich	Willis
Costigan	Husted	Roscoe	Worth
Daly	Ives	Russell	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to legalize the acts of Ensworth D. Babcock as notary public," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 72 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schieffelin
Barkley	Edson	Kshinka	Schuyler
Beach	Ely	Lawrence	Scudder
Benedict	Farrar	Lewis	Seward
Bennett	Faulkner	Lillybridge	Sherwood
Berry	Friend	Lincoln	Shiel
Bradley	Gedney	McAfee	Slingerland

Braman	Hanrahan	McGowan	Smith
Burtis	Hauschel	Merwin	Speaker
Calkins	Hepburn	J. W. Miller	Stephens
T. C. Campbell	Hess	Oakley	Talmage
T. J. Campbell	Hinckley	Page	G. Taylor
Christopher	Holmes	Pierson	Tewksbury
Clark	Husted	Ransom	Wachner
Cleary	Ives	Roscoe	Whitmore
Coffey	W. Johnson	Russell	Willis
Cole	W. A. Johnson	Sanford	Witbeck
Costigan	Kirk	Schenck	Worth

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 324 of the Laws of 1871, entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	W. Johnson	Sanford
Barkley	Daly	W. A. Johnson	Schenck
Barrow	Davis	Kirk	Schieffelin
Beach	Dessar	Krack	Schuyler
Benedict	Edson	Kshinka	Seward
Bennett	Ely	Lawrence	Sherwood
Berry	Farrar	Lewis	Shiel
Bradley	Faulkner	Lincoln	Smith
Braman	Fish	McGowan	Speaker
Burtis	Gedney	Merwin	Stephens
Calkins	Griffin	J. W. Miller	Talmage
T. C. Campbell	Hanrahan	Oakley	G. Taylor
T. J. Campbell	Hauschel	Page	Vosburgh
Christopher	Hess	Pierson	Wachner
Clark	Hinckley	Ransom	Willis
Cleary	Holmes	Rich	Witbeck
Coffey	Husted	Roscoe	Wurts
Cole	Ives		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the incorporation of library societies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kirk	Schieffelin
Barkley	Daly	Krack	Schuyler
Barrow	Dessar	Kshinka	Seward
Beardsley	Edson	Lawrence	Sherwood
Benedict	Ely	Lewis	Shiel
Bennett	Farrar	Lillybridge	Slingerland
Berry	Faulkner	Lincoln	Smith
Bradley	Fay	McGowan	Speaker
Braman	Gedney	Merwin	Stauf
Burtis	Hanrahan	J. W. Miller	Stephens
Calkins	Hauschel	Oakley	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hinckley	Pierson	Waehner
Christopher	Holmes	Ransom	Whitmore
Clark	Husted	Rich	Willis
Cleary	Ives	Russell	Witbeck
Coffey	W. Johnson	Schenck	Worth
Cole	W. A. Johnson		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the reduction of the capital stock of the New York Loan and Indemnity Company in the city of New York, and to change its corporate name," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schieffelin
Barkley	Edson	Krack	Schuyler
Barrow	Ely	Kshinka	Scudder
Beardsley	Farrar	Lawrence	Seward
Benedict	Faulkner	Lewis	Sherwood
Bennett	Fay	Lillybridge	Shiel
Berry	Friend	Lincoln	Slingerland
Bradley	Gedney	McAfee	Smith
Braman	Hanrahan	McGowan	Speaker
Burtis	Hauschel	Merwin	Stauf
Calkins	Hepburn	J. W. Miller	Stephens
T. C. Campbell	Hess	Oakley	Talmage
T. J. Campbell	Hinckley	Page	G. Taylor
Christopher	Holmes	Pierson	Waehner
Clark	Hussey	Ransom	Whitmore
Cleary	Husted	Rich	Willis
Coffey	Ives	Roscoe	Witbeck
Cole	W. Johnson	Russell	Worth
Costigan	W. A. Johnson	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of James Luther McCoy," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Husted	Russell
Barkley	Davis	Ives	Schenck
Barrow	Edson	W. A. Johnson	Schnyler
Beach	Ely	Kirk	Scudder
Benedict	Farrar	Krack	Seward
Bennett	Faulkner	Kshinka	Shiel
Berry	Fay	Lewis	Speaker
Bradley	Friend	Lillybridge	Stauf
Burtis	Gedney	Lincoln	Stephens
Calkins	Griffin	McAfee	G. Taylor
T. C. Campbell	Hammond	McGowan	Tewksbury
T. J. Campbell	Hanrahan	Merwin	Vosburgh
Christopher	Hauschel	J. W. Miller	Waehner
Clark	Hess	Oakley	Whitmore
Cleary	Hinckley	Page	Willis
Coffey	Holmes	Pierson	Worth
Costigan	Hussey	Roscoe	

For the negative,  
Smith

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, on motion of Mr. Waehner, the committee on affairs of cities was discharged from the further consideration of the Senate bill entitled "An act to confirm and legalize certain acts of the common council of the city of Elmira," and the same ordered to a third reading.

The bill entitled "An act confirming the title of the trustees of school district No. 3, in the town of Amherst, in the county of Erie, to the lands and property of the Williamsville Academy, in said county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	W. A. Johnson	Schuyler
Barkley	Ely	Kirk	Scudder
Barrow	Farrar	Krack	Seward

Benedict	Faulkner	Kshinka	Shiel
Bennett	Fish	Lawrence	Slingerland
Berry	Friend	Lewis	Smith
Bradley	Gallagher	Lillybridge	Speaker
Braman	Gedney	Lincoln	Stauf
Burtis	Griffin	McGowan	Stephens
Calkins	Hanrahan	J. W. Miller	Talmage
T. C. Campbell	Hauschel	Oakley	G. Taylor
T. J. Campbell	Hepburn	Page	Tewksbury
Christopher	Hess	Pierson	Vosburgh
Clark	Hinckley	Ransom	Waehner
Cleary	Holmes	Rich	Whitmore
Coffey	Hussey	Roscoe	Witbeck
Cole	Husted	Russell	Worth
Costigan	Ives	Schenck	Wurts
Daly	W. Johnson	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 825 of the Laws of 1873, entitled 'An act to authorize the laying of rails and to run cars thereon for the transportation of passengers in certain streets and avenues in the upper part of the city of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 66 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kirk	Seward
Barrow	Daly	Krack	Sherwood
Beach	Edson	Kshinka	Shiel
Benedict	Ely	Lewis	Smith
Bennett	Farrar	Lincoln	Speaker
Berry	Faulkner	McGowan	Stauf
Bradley	Fay	J. W. Miller	Stephens
Braman	Friend	Oakley	Talmage
Burtis	Gedney	Page	G. Taylor
Calkins	Hanrahan	Pierson	Tewksbury
T. C. Campbell	Hauschel	Ransom	Vosburgh
T. J. Campbell	Hess	Rich	Waehner
Christopher	Hinckley	Russell	Whitmore
Clark	Holmes	Schenck	Willis
Cleary	Hussey	Schieffelin	Worth
Coffey	Ives	Schuyler	Wurts
Cole	W. A. Johnson		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 253 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the New York and Brooklyn Iron Tubular Tunnel Company,'" was read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kshinka	Shiel
Barkley	Daly	Lawrence	Smith
Barrow	Edson	Lewis	Speaker
Benedict	Ely	McGowan	Stacy
Bennett	Farrar	Merwin	Stauf
Berry	Faulkner	J. W. Miller	Stephens
Bradley	Fay	Oakley	Talmage
Braman	Friend	Page	G. Taylor
Burtis	Gedney	Pierson	Tewksbury
Calkins	Hanrahan	Ransom	Tremain
T. C. Campbell	Hauschel	Rich	Vosburgh
T. J. Campbell	Hinckley	Roscoe	Whitmore
Christopher	Holmes	Schenck	Willis
Clark	Ives	Schuyler	Witbeck
Cleary	W. A. Johnson	Scudder	Worth
Coffey	Kirk	Seward	Wurts
Cole	Krack	Sherwood	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Schenck
Barkley	Davis	Kirk	Schieffelin
Barrow	Edson	Krack	Schuyler
Beach	Ely	Kshinka	Scudder
Benedict	Farrar	Lawrence	Sherwood
Berry	Faulkner	Lewis	Shiel
Bradley	Friend	Lillybridge	Smith
Braman	Griffin	Lincoln	Speaker
Burtis	Hammond	McAfee	Stauf
Calkins	Hanrahan	McGowan	Stephens
T. C. Campbell	Hauschel	J. W. Miller	G. Taylor
T. J. Campbell	Hepburn	Oakley	Vosburgh
Christopher	Hess	Page	Whitmore
Clark	Hinckley	Pierson	Willis

**MAY 3.]**

**1231**

**Cleary  
Coffey  
Cole  
Costigan**

**Holmes  
Hussey  
Husted  
Ives**

**Rich  
Roscoe  
Russell**

**Witbeck  
Worth  
Wurts**

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Evangelical Lutheran Synod of the State of New York,' passed April 29, 1868," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 66 }  
{ NOES 00 }**

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Costigan</b>	<b>W. A. Johnson</b>	<b>Schieffelin</b>
<b>Barkley</b>	<b>Daly</b>	<b>Kirk</b>	<b>Schuyler</b>
<b>Beach</b>	<b>Edson</b>	<b>Krack</b>	<b>Scudder.</b>
<b>Benedict</b>	<b>Ely</b>	<b>Kshinka</b>	<b>Seward</b>
<b>Bennett</b>	<b>Faulkner</b>	<b>Lewis</b>	<b>Shiel</b>
<b>Berry</b>	<b>Friend</b>	<b>Lincoln</b>	<b>Stauf</b>
<b>Bradley</b>	<b>Gedney</b>	<b>McGowan</b>	<b>Stephens</b>
<b>Braman</b>	<b>Hanrahan</b>	<b>Merwin</b>	<b>Talmage</b>
<b>Burtis</b>	<b>Hauschel</b>	<b>J. W. Miller</b>	<b>G. Taylor</b>
<b>Calkins</b>	<b>Hepburn</b>	<b>Oakley</b>	<b>Tewksbury</b>
<b>T. C. Campbell</b>	<b>Hess</b>	<b>Page</b>	<b>Vosburgh</b>
<b>T. J. Campbell</b>	<b>Hinckley</b>	<b>Pierson</b>	<b>Wachner</b>
<b>Christopher</b>	<b>Holmes</b>	<b>Ransom</b>	<b>Willis</b>
<b>Clark</b>	<b>Hussey</b>	<b>Rich</b>	<b>Witbeck</b>
<b>Cleary</b>	<b>Husted</b>	<b>Russell</b>	<b>Worth</b>
<b>Coffey</b>	<b>Ives</b>	<b>Schenck</b>	<b>Wurts</b>
<b>Cole</b>	<b>W. Johnson</b>		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 265 of the Laws of 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 66 }  
{ NOES 00 }**

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Costigan</b>	<b>Lawrence</b>	<b>Sherwood</b>
<b>Barkley</b>	<b>Daly</b>	<b>Lillybridge</b>	<b>Shiel</b>
<b>Barrow</b>	<b>Edson</b>	<b>Lincoln</b>	<b>Smith</b>
<b>Beach</b>	<b>Ely</b>	<b>McGowan</b>	<b>Speaker</b>

Benedict	Farrar	Merwin	Stauf
Berry	Faulkner	J. W. Miller	Stephens
Bradley	Friend	Oakley	Talmage
Braman	Gedney	Page	G. Taylor
Burtis	Griffin	Pierson	Vosburgh
Calkins	Hanrahan	Ransom	Waehner
T. C. Campbell	Hauschel	Rich	Whitmore
T. J. Campbell	Hinckley	Roscoe	Willis
Christopher	Holmes	Russell	Witbeck
Clark	Ives	Schenck	Worth
Cleary	Kirk	Schieffelin	Wurts
Coffey	Krack	Schuyler	
Cole	Kshinka	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate bill entitled "An act in relation to railroad corporations," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and no quorum voting said bill was laid aside.

{ AYES 29 }  
{ NOES 26 }

Those who voted in the affirmative, were

Alvord	Edson	J. W. Miller	Stacy
Barrow	Fish	Oakley	Stauf
Berry	Griffin	Page	Stephens
Bradley	Hinckley	Rich	G. Taylor
Braman	Lewis	Roscoe	Vosburgh
Burtis	Lillybridge	Schuyler	Willis
Calkins	Lincoln	Seward	Worth
T. J. Campbell			

Those who voted in the negative, were

Beach	Dessar	Kirk	Shiel
Benedict	Ely	Krack	Smith
Bennett	Friend	McAfee	Tewksbury
T. C. Campbell	Gedney	McGowan	Whitmore
Christopher	Hauschel	Schenck	Witbeck
Costigan	Hess	Schieffelin	Wurts
Daly	Ives		

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to authorize the religious society in the city of New York known as the Temple Beth-El to buy, hold and dispose of land for cemetery purposes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Oakley, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor hereof.

{ AYES 69 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Schenck
Bailey	Decker	Kirk	Schieffelin
Barrow	Edson	Krack	Schuyler
Beach	Ely	Kshinka	Seward
Benedict	Faulkner	Lawrence	Shiel
Berry	Fish	Lewis	Smith
Bradley	Friend	Lincoln	Speaker
Braman	Gedney	McAfee	Stauf
Burtis	Griffin	McGowan	Stephens
Calkins	Hanrahan	J. W. Miller	Talmage
T. C. Campbell	Hauschel	Oakley	G. Taylor
T. J. Campbell	Hess	Page	Vosburgh
Christopher	Hinckley	Pierson	Waehner
Clark	Holmes	Ransom	Whitmore
Cleary	Husted	Rich	Willis
Coffey	Ives	Roscoe	Worth
Cole	W. Johnson	Russell	Wurts
Costigan			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act to establish a police district in the town of New Lots, and to provide for the government thereof."

"An act in relation to the collection of uncollected taxes in the village of Brockport."

"An act to authorize appropriations for the poor adult blind in the city of New York not provided for in public or private institutions."

"An act authorizing the city of Buffalo to take certain lands for a public park and to provide for the payment thereof."

"An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York."

"An act to authorize the common council of the city of Syracuse to repave Salina street in said city."

"An act to authorize the board of assessors in the city of New York to revise and correct the assessment for the outlet sewer in Eightieth street and other streets in said city."

"An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York,' passed April 19, 1871."

Senate, "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn.'"

Senate, "An act to amend an act entitled 'An act in relation to the salary of the supervisors of Albany county,' passed May 3, 1871."

Senate, "An act to repeal chapter 309 of the Laws of 1853, entitled 'An act relative to the common lands in the town of North Hempstead, county of Queens.'"

On motion of Mr. Hammond, at 9 o'clock and 50 minutes, the House adjourned.

## TUESDAY, MAY 4, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. D. K. Bartlett.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bill entitled as follows:

"An to provide for the support of government."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Schuyler moved to reconsider the vote agreeing to the adverse report on the Senate bill entitled "An act to amend an act entitled 'An act to regulate proceedings against corporations by injunctions and otherwise,' passed April 7, 1870," and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Schuyler,

*Resolved*, That a respectful message be sent to the honorable the Senate requesting the return to the Assembly of the Senate bill entitled "An act to amend an act entitled 'An act regulate proceedings against corporations by injunctions and otherwise,' passed April 7, 1870."

*Ordered*, That the Clerk deliver said resolution to the Senate

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs," in the words following:

The committee of conference appointed by the Senate and Assembly to which was referred the matter in difference between the two Houses, relative to the Assembly bill entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," having met and duly considered the same, recommend that the amendments proposed to such bill by the Senate be agreed to, so that the bill, as amended, will read as follows:

**AN ACT** to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All savings banks or institutions for savings, now existing, or which may hereafter be organized under and by virtue of any law of

this State, are hereby declared to be corporations possessed of the powers and functions of corporations generally, and as such shall have power :

1. To have perpetual succession by its corporate name.
2. To sue and be sued, complain and defend, in any court of law or equity.
3. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure.
4. To appoint such officers, managers and agents as the business of the corporation may require.
5. To make by-laws not inconsistent with the laws of this State or of the United States, for the management of its property and the regulation of its affairs.
6. To contract and be contracted with.
7. To receive money on deposit, to invest the same, and further transact the business of a savings bank as hereinafter provided.
8. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

§ 2. Any number of persons not less than thirteen may associate themselves together for the purpose of organizing a savings bank in accordance with the provisions of this act; but two-thirds of such number of persons shall reside in the county where the proposed bank shall be located.

§ 3. Such persons, under their hands and seals, shall execute a certificate in which shall be set forth :

1. The name assumed to distinguish such association and to be used in its dealings, which shall be in no material respect similar to the name of any other savings bank organized and doing business in this State.

2. The place where its business is to be transacted, designating the particular city, village or town, and, if any city, the ward in such city.

3. The name, residence (if in any city, the street and number), occupation and post-office address of each member of such association.

4. A declaration that each member of such association will accept the responsibilities and faithfully discharge the duties of a trustee in such institution, when authorized according to the provisions of this act.

§ 4. Such certificate shall be executed in duplicate, and be duly acknowledged before an officer of this State authorized to take the acknowledgment of conveyances of real estate for record, and shall, within sixty days after such acknowledgment, be filed, one copy in the office of the county clerk of the county wherein such savings bank is proposed to be located, and one copy in the office of the superintendent of the banking department of this State.

§ 5. A notice of intention to organize such savings bank shall be published at least once a week for four weeks previous to filing the certificate of association, as provided in the last preceding section, in at least one newspaper of the largest circulation published in the city, village or town where such savings bank is proposed to be located ; or, if there be no newspaper published in such village or town, then in some newspaper published in such county ; if none in said county, then in an adjoining county, which notice shall specify the names of the proposed corporators, the name of the proposed savings bank, and the location of the same, as set forth in the certificate of association ; and if there is any savings bank or banks organized and doing business in such county, a copy of such notice shall also be sent to each such savings bank so organ-



ized and doing business, at least fifteen days before the filing of such certificate of association, as provided for in the last preceding section.

§ 6. Upon the receipt of any such certificate of association at the office of the superintendent of the banking department, if the same is in due form and duly executed according to the provisions of sections three and four of this act, and is accompanied by evidence satisfactory to the Superintendent of the proper publication and service, in good faith, of the notice required in the last preceding section, he shall forthwith indorse the same over his official signature "filed for examination," with the date of such indorsement.

§ 7. If such certificate shall not be in form and substance as required by section three of this act, or shall not be duly and properly acknowledged, as required by section four of this act, or shall not be accompanied by evidence satisfactory to the Superintendent of the publication and service in good faith, according to the intent and purpose of this act, of the notice required by section five of this act, the Superintendent shall refuse to file such certificate until the same shall be amended in conformity to the provisions of this act.

§ 8. It shall be the duty of the Superintendent of the Banking Department, and he shall have power, in regard to any certificate of association so filed by him as hereinbefore provided, to ascertain from the best sources of information at his command:

1. Whether greater convenience of access to a savings bank will be afforded to any considerable number of depositors by opening a savings bank at the place designated in such certificate.

2. Whether the density of the population in the neighborhood designated for such savings bank, and in the surrounding country, affords a reasonable promise of adequate support to the enterprise.

3. Whether the responsibility, character and general fitness for the discharge of the duties appertaining to such a trust, of the persons named in such certificate, are such as to command the confidence of the community in which such savings bank is proposed to be located.

§ 9. If the superintendent shall be satisfied from his knowledge, or from information gained, concerning the several points named in the last preceding section, that the organization of a savings bank, as proposed in such certificate, will be a public benefit, he shall, within sixty days after the same has been filed by him for examination, issue, under his hand and official seal, a certificate of authorization to the persons named in such certificate, or to them or to a portion of them, together with such other persons as a majority of those named in such certificate of association shall, in writing, approve; which certificate, so issued by him, shall authorize the persons named therein to open an office for the deposit of savings, as designated in the certificate of association, subject to the provisions of this act; provided, however, that no person shall be named in such certificate of authorization, who shall not have duly made and acknowledged the declaration prescribed in subdivision four of section three of this act.

§ 10. The superintendent shall transmit such certificate of authorization to the county clerk of the county in which the savings bank, so authorized, is to be located, who shall file the same and attach it to the certificate of association previously filed by him, relating to the organization of such savings bank; and the superintendent shall also file a duplicate copy of such certificate in his own office.

§ 11. If the superintendent shall not be satisfied that the establish-



ment of a savings bank, as proposed in any certificate of association filed by him, is expedient and desirable, he shall, within sixty days after the filing of such certificate by him, give notice to the county clerk of the county in which such savings bank is proposed to be located, that he refuses to issue a certificate of authorization for such savings bank, which notice shall forthwith be filed by the county clerk with the certificate of association of such savings bank.

§ 12. Upon the filing of any certificate of authorization of a savings bank as hereinbefore provided, the persons named therein, and their successors, shall thereupon and thereby be duly and lawfully constituted a body corporate and politic, and shall be vested with all the powers and charged with all the liabilities conferred and imposed by this act.

§ 13. Before any savings bank, so incorporated, shall be authorized to receive deposits, such corporation shall transmit to the superintendent of the banking department the name, residence and post-office address of each of the officers of such savings bank, and the place where its business is to be carried on, designating the same by street and number, when practicable.

§ 14. Any savings bank, so incorporated, that shall not organize and commence business within one year after the certificate of authorization of the same has been filed, as hereinbefore provided, shall forfeit its rights and privileges as a corporation under this act; but the superintendent of the banking department may, for satisfactory cause to him shown, extend the term within which such organization may be effected and such business commenced, but not for a longer period than one year; and the order, so extending such term, shall be under his hand and seal, and shall be transmitted to the county clerk of the county in which such savings bank is to be located, who shall file the same, together with the certificate of association and the certificate of authorization of such savings bank.

§ 15. The persons named in the certificate of authorization, issued pursuant to the provisions of this act, shall be the first trustees of such corporation, and shall have the entire management and control of all the affairs of the corporation, subject to the provisions of this act.

§ 16. The business of every such corporation shall be managed and directed by a board of trustees of not less than thirteen, who shall elect from their number a president and two vice-presidents, and shall elect or appoint from their number, or otherwise, such other officers as they may see fit; and all vacancies in such board by death, resignation or otherwise, shall be filled by the board of trustees as soon as practicable, at a regular meeting after such vacancies shall occur.

§ 17. The board of trustees of any such corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper, for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same; for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, to the Constitution and laws of this State, or of the United States; and a copy of the same shall be transmitted to the Superintendent of the Bank Department, who shall also be notified of any amendment or change therein.

§ 18. Regular meetings of the board of trustees shall be held as often as once in each month, for the purpose of receiving the reports of its

officers and committees, and for the transaction of other business. A quorum at any regular, special or adjourned meeting, shall consist of not less than seven trustees, of whom the president shall be one, except where he is prevented from attending any meeting by sickness, or other unavoidable detention, when he may be represented, in forming a quorum, by the first vice-president, who, in case of his absence for like cause, may be represented by the second vice-president; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

§ 19. Whenever a trustee of any savings bank shall hereafter become a trustee, officer, clerk or employee in any other savings bank, or upon his borrowing, directly or indirectly, any of the funds of the savings bank of which he is trustee, or becoming a surety or guarantor for and money borrowed of or loan made by such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such trustee for six successive months, without having been previously excused by the board for such failure, the office of such trustee shall thereupon immediately become vacant; but the trustee vacating his office by failure to attend meetings or to discharge his duties, may, in the discretion of the board, be eligible to a re-election.

§ 20. The trustees of any such corporation shall have power to require, from the officers, clerks and agents of the corporation, such security for their fidelity and the faithful performance of their duties as they shall deem necessary, and to fix the salaries of such officers and agents, subject to the provisions of this act.

§ 21. No trustee of any such corporation shall have any interest whatever, direct or indirect, in the gains or profits thereof, nor as such, directly or indirectly, receive any pay or emolument for his services, except as hereinafter provided; and no trustee or officer of any such corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of its funds or deposits, or in any manner use the same, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or officer of such corporation hereafter become an indorser or surety, or become in any manner an obligor for moneys loaned by or borrowed of such corporation.

§ 22. It shall be lawful for any savings bank to receive on deposit any sum or sums of money that may be offered for that purpose by any person or persons, or by any corporations or societies, and to invest the same, and declare, credit and pay dividends thereon, as hereinafter authorized and provided, and not otherwise.

§ 23. The sums so deposited, together with any dividends or interest credited thereto, shall be repaid to such depositors respectively, or to their legal representatives, after demand, in such manner and at such times and after such previous notice and under such regulations as the board of trustees shall prescribe, which regulations shall be put up in some conspicuous place in the room where the business of such corporation shall be transacted, and shall be printed in the pass-books or other evidence of deposit furnished by the corporation, and shall be evidence between the corporation and the depositors holding the same, of the terms upon which the deposits therein acknowledged are made; provided that every such corporation shall have the right to limit the aggregate amount which any one person or society may deposit to such sum

as they may deem it expedient to receive, and may, in their discretion, refuse to receive a deposit, and may also at any time return all or any part of any deposit; nor shall the aggregate amount of such deposits to the credit of any one individual or corporation at any time exceed five thousand dollars exclusive of accrued interest, unless such deposit was made prior to the passage of this act, or pursuant to the order of a court of record, or of a surrogate.

§ 24. Whenever any deposit shall be made by or in the name of any person being a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever except creditors, and shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor, or female, shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same, or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made.

§ 25. In all actions in any court of this State against any savings bank by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against any savings bank to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of such savings bank, and upon eight days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action, may remain with such savings bank, upon the same interest as other deposits of like amount, to the credit of the action, until final judgment therein, and the same shall be paid by such savings bank in accordance with the order of the court, or the deposit in controversy may be paid into court to await the final determination of the action, and when so paid into court the corporation shall be stricken out as a party to such action and its liability for such deposit shall cease. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, and may be charged upon the fund affected by such action; and the statutes limiting the time within which actions shall be commenced, shall have no application to actions brought by depositors, their representatives or assigns against savings banks for deposits made therein.

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only, as follows, to wit:

1. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal.

2. In the stocks or bonds of this State bearing interest.

3. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

4. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city in which such bank shall be situated.

5. In bonds and mortgages or unincumbered real estate situate in this State, and worth at least twice the amount loaned thereon, but not to exceed sixty per cent of the whole amount of deposits, shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than forty per cent of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

6. In real estate, subject to the provisions of section twenty-nine of this act.

§ 27. It shall be the duty of the trustees of any such corporation, as soon as practicable, to invest the moneys deposited with them in the securities named in the twenty-sixth section of this act, except that, for the purpose of making current payments and expenses in excess of the receipts, there may be kept an available fund of not exceeding ten per cent of the whole amount of deposits with such corporation, and the same may be kept on hand, or on deposit, in any bank or banking association in the State of New York, organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, but the sum so deposited in any one bank or trust company shall not exceed twenty-five per cent of the paid-up capital and surplus of such bank or trust company; or such available fund, or any part thereof, may be loaned upon pledge of the securities, or any of them, named in subdivisions one, two, three, and four of section twenty-six of this act; but not in excess of ninety per cent of the cash market value of such securities so pledged, nor in excess of the par value thereof; and should any of the securities so held in pledge depreciate in value, after making any loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent of the market value of the securities pledged for the same.

§ 28. It shall further be lawful for any such corporation to deposit temporarily in banks or trust companies, as provided in the last preceding section of this act, the excess of current daily receipts over the payments, until such time as the same can be judiciously invested in the securities named in section twenty-six of this act; and whenever it shall appear to the superintendent of the bank department that the trustees of any such corporation are violating the spirit and intent of the foregoing provision, by keeping permanently uninvested all, or an undue proportion, of the moneys received by them, it shall be his duty to report

the facts to the attorney-general, who shall proceed against such corporation under the provisions of section forty-four of this act.

§ 29. It shall be lawful for any such corporation to purchase, hold or convey real estate only as follows:

1. A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived. The cost of such building or buildings and lot in no case to exceed fifty per cent of the net surplus of such corporation, except by written permission of the superintendent of the banking department, except where lots have been heretofore purchased, or where maps, plans and estimates have been made for the purpose of erecting a banking building.

2. Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it or in settlements affected to secure such debts; and all such real estate mentioned in the last preceding clause, shall be sold by such corporation within five years after the same shall be vested in it, unless upon application by the board of trustees, the superintendent of the banking department shall extend the time within which such sale shall be made; and it shall be lawful for any such corporation, with the approval in writing, and under the seal of the superintendent of the banking department, to change its location within the limits of any city or town wherein it may be established; and in affecting such change of location, such corporation owning a banking house and lot may purchase such additional plot under the provisions of subdivision one of this section as the corporation may require; and such banking house and lot previously owned and occupied shall be sold, as provided in subdivision two of this section, concerning real estate acquired in satisfaction of debts.

§ 30. It shall not be lawful for the trustees of any savings bank to loan the moneys deposited with them, or any part thereof, upon notes bills of exchange, drafts or any other personal securities whatever; and in all cases of loans upon real estate, a sufficient bond, secured by a mortgage thereon, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value and of drawing, perfecting and recording papers, shall be paid by such borrower.

§ 31. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by any such corporation, they shall be insured by the mortgagor in such company or companies as the trustees shall direct, and the policy of insurance shall be duly assigned, or the loss made payable as its interest may appear, to such corporation; and it shall be lawful for such corporation to renew such policy of insurance in the same or in any other company or companies, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the amount paid to the mortgagor. And all the necessary charges and expenses paid by such corporation for such renewal or renewals shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged, recoverable with interest from the time of payment as part of the moneys secured to be paid by such mortgage.

§ 32. It shall be unlawful for any savings bank, directly or indirectly, to deal or trade in real estate, in any other case or for any other purpose



than as authorized in section twenty-nine of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, and except such personal property as may be necessary in the transaction of its business; and it shall be unlawful for any savings bank, or for any officer, in his regular attendance upon the business of such bank, to in any manner engage in the business, in such bank, of buying or selling exchange, gold or silver, or in the business of collecting or protesting promissory notes or time bills of exchange.

§ 33. It shall be the duty of the trustees of every such corporation to regulate the rate of interest or dividends, not to exceed six per centum per annum, upon the deposits therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation, after deducting necessary expenses and reserving such amount as the trustees may deem expedient as a surplus fund for the security of depositors, which, to the amount of ten per cent of their deposits, the trustees of any such corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business, from the depreciation of its securities or otherwise; provided, however, that the trustees of any such corporation may classify their depositors according to the character, amount, and duration of their dealings with the corporation, and regulate the interest or dividends allowed, in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class.

It shall be unlawful for the trustees of any savings bank to declare or allow interest on any deposit for a longer period than the same has been deposited, except that deposits made not later than the tenth day of the month, commencing any semi-annual interest period or than the third day of any month, or withdrawn on one of the last three days of the month, may have interest declared upon them for the whole of the period or month when so deposited or withdrawn. No dividends or interest shall be declared, credited or paid except by the authority of a vote of the board of trustees, duly entered upon their minutes, whereon shall be recorded the ayes and nays upon such vote, and whenever any interest or dividends shall be declared and credited in excess of the interest or profits earned and appearing to the credit of the corporation, the trustees voting for such dividend shall be jointly and severally liable to the corporation for the amount of such excess so declared and credited. And it shall be the duty of the trustees of any such corporation, whose surplus amounts to ten per cent of its deposits at least once in three years, to divide equitably the accumulation beyond such authorized surplus as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized.

§ 34. In determining the per cent of surplus held by any savings bank, its interest-paying stocks and bonds shall be estimated at their market value. Its bonds and mortgages on which there are no arrears of interest for a longer period than six months shall be estimated at their face, and its real estate at not above cost. Concerning such stocks or bonds, or bonds and mortgages as are in arrears of interest for six months or more, and concerning all other investments not herein enumerated, the superintendent of the banking department shall determine the valuation of the same, from the best information he can obtain, and he may change the valuation thereof, from time to time, according as he may obtain other and further information.

§ 35. It shall be lawful for trustees of such corporation, acting as officers of the same, whose duties require and receive their regular and faithful attendance at the institution, to receive such compensation as in the opinion of a majority of the board of trustees shall be just and reasonable; but such majority shall be exclusive of any trustee to whom such compensation shall be voted; but it shall not be lawful to pay trustees, as such, for their attendance at meetings of the board.

§ 36. Every such corporation shall, on or before the first day of February in each year, make a report in writing to the superintendent of the banking department, and in such form as he shall prescribe, of its condition on the morning of the first day of January preceding.

§ 37. Such report shall state the amount loaned upon bond and mortgage, together with a list of such bonds and mortgages, and the location of the mortgaged premises, as have not previously been reported, and also a list of such previously reported as have since been paid wholly or in part, or have been foreclosed, and the amount of such payments respectively; the cost, par value and estimated market value of all stock investments, designating each particular kind of stock; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same; the amount of cash on hand, and on deposit in banks or trust companies, with the names of such banks or trust companies, and the amount deposited in each; and such other information as the superintendent may require.

§ 38. Such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January; the amount due to depositors, which shall include any dividend to be credited to them for the six months ending on that day and any other debts or claims against such corporation which are or may be a charge upon its assets. Such report shall also state the amount deposited during the year previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned, and the amount of dividends credited to depositors, together with the amount of each semi-annual credit of interest and the amount of interest that may have been credited at other than semi-annual periods; the number of accounts opened or re-opened the number closed during the year, and the number of open accounts at the end of the year, and such other information as may be required by the superintendent.

§ 39. Such report shall be verified by the oath of the two principal officers of the institution, and the statement of assets shall be verified by the oath of a majority of the trustees who examined the same, pursuant to the requirements of section forty-five of this act; and any willful false swearing in regard to such reports, or in regard to any reports made to the superintendent of the banking department pursuant to the provisions of this act, shall be deemed perjury, and be subject to the prosecutions and punishments prescribed by law for that offense.

§ 40. If any savings bank shall fail to furnish to the Superintendent of the Banking Department any report or statement required by this act, at the time so required, it shall forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld; and the said Superintendent may maintain an action in his name of office to recover such penalty, and when collected the same shall be paid into the treasury of the State, and be applied to the expenses of the Bank Department; but the Superintendent may, for



sufficient cause, extend the time for making such report not exceeding thirty days.

§ 41. No such corporation shall hereafter be required to make any annual or other report to the legislature, nor to the mayor or commonalty of any city, nor to the board of supervisors of any county, nor to any other officer or authority whatsoever, except as in this act provided and required, any thing in the charter of any such corporation to the contrary notwithstanding, nor shall they be subject to the inspection or supervision of any local officer, or board, nor to any interference from any such local officer or board in any matters pertaining to the business or dealings of such corporation.

§ 42. It shall be the duty of the superintendent of the banking department, on or before the first day of March in each year, to communicate to the legislature a statement of the condition of every such corporation from which a report has been received for the preceding year; also the name and location of savings corporations authorized by him during the previous year, with the date of their incorporation, and particularly designating those incorporated at any time which have commenced business during the previous year.

§ 43. It shall be the duty of the said superintendent once in two years, either personally or by some competent person or persons to be appointed by him, to visit and examine every savings corporation in this State. The superintendent shall also have power, in like manner, to examine any such corporation whenever, in his judgment, its condition or management is such as to render an examination of its affairs necessary or expedient. The said superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the superintendent, or the examiner or examiners so appointed, shall be produced, and their production may be compelled in like manner. The expense of every such special examination, if any, shall be paid by the corporation examined in such amount as the superintendent shall certify to be just and reasonable. Whenever such special examination shall be made by the superintendent in person, or by one or more of the regular clerks in his department, no charge shall be made except for necessary traveling and other actual expenses. The result of any such examination shall be certified by the examiners, or one of them, upon the records of the corporation examined, and the results of all the regular examinations during the previous year shall be embodied in the annual report of the superintendent required by this act to be submitted to the legislature.

§ 44. Whenever it shall appear to the said superintendent, from any examination made by him, or from the report of any examination made to him, or from the report made by any such corporation pursuant to the requirements of sections thirty-six, thirty-seven and thirty-eight of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, he shall, by an order under his hand and seal, direct the discontinuance of such illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and with safety and

security in its transactions; and whenever any such corporation shall refuse or neglect to make any such report as is hereinbefore required, or to comply with any such order as aforesaid; or, whenever it shall appear to the superintendent that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the attorney-general, who shall thereupon institute such proceedings as the nature of the case may require.

The proceedings instituted by the attorney-general may be for the removal of one or more of the trustees, or for the transfer of the corporate powers to other persons, or the consolidation and merger of the corporation with any other savings corporation that may be willing to accept of the trust, or for such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before whom such proceedings shall be instituted shall have power to grant such orders, and, in its discretion, from time to time, to modify or revoke the same, as the evidence in the case and the situation of the parties, and the interests involved shall seem to require.

§ 45. It shall be the duty of the trustees of every savings bank, by a committee of not less than three of such trustees, on or about the first day of January in each year, to thoroughly examine the books, vouchers and assets of such savings bank, and its affairs generally, and the statement or schedule of assets reported to the Superintendent of the Banking Department for the first of January in each year, shall be based upon such examination, and shall be verified by the oath of a majority of the trustees making such examination; but nothing herein contained shall be construed as prohibiting the trustees of any savings bank from requiring such examinations at such other times as they shall prescribe.

§ 46. The superintendent of the banking department is hereby authorized from time to time to employ so many clerks and examiners as may be necessary to discharge, in a proper manner, the duties imposed upon him by this act; and the salary of the said clerks and examiners shall be paid to them monthly out of the treasury of the State, upon the certificate of the superintendent and the warrant of the comptroller, and it shall be the duty of the said superintendent, in his annual report to the legislature, to state the names of the clerks and examiners so employed, and the compensation allowed to them severally.

§ 47. For the purpose of defraying the expenses incurred in the performance by the superintendent of the general duties, including the regular examinations, imposed upon him by this act, each savings corporation shall pay five dollars, and the residue of such expenses shall be paid by savings corporations, whose deposits exceed one hundred thousand dollars, in proportion to the amount of assets severally held and reported by them, and the sums so contributed shall be paid into the treasury of the State. If any such savings corporation shall, after due notice, refuse or neglect for thirty days to pay its allotted share of such charges, the said superintendent may maintain an action in his name of office against such corporation for the recovery of such charges.

§ 48. All the assets of any bank or banking association now or hereafter organized, that shall become insolvent, shall, after providing for the payment of its circulating notes, if it shall have any, be applied by the directors, assignee or receiver thereof, in the first place to the payment in full of any sum or sums of money deposited therewith by any savings corporation, but not to an amount exceeding that authorized to be so deposited by the provisions of section twenty-seven of this act, and

the foregoing provisions of this section shall also extend and apply to trust companies receiving deposits of savings corporations as authorized by this act, subject, however, to any preference in payment declared and provided in the charters of such trust companies, respectively.

§ 49. It shall not be lawful for any bank, banking association, or individual banker, to advertise or put forth a sign as a savings bank, or in any way to solicit or receive deposits as a savings bank; and any bank, banking association or individual banker, which shall offend against these provisions, shall forfeit and pay for every such offense the sum of one hundred dollars for every day such offense shall be continued, to be sued for and recovered in the name of the people of this State, by the district attorneys of the several counties, in any court having cognizance thereof, for the use of the poor, chargeable to said county in which such offense shall be committed.

§ 50. It shall be lawful for the board of trustees of any savings corporation, by a resolution to be incorporated in their by-laws, a copy of which shall also be filed with the superintendent of the banking department, to reduce the number of trustees named in the original charter of such corporation, to a number not less than the minimum named in this act, such reduction to be effected gradually by the occurrence of vacancies by death, resignation or forfeiture, until the number is reduced to thirteen, or to such greater number as shall be designated in the aforesaid resolution, or the number of trustees may be increased to any number designated in a resolution for that purpose, where reasons therefor are shown to the satisfaction of the superintendent, and his consent in writing obtained thereto.

§ 51. Whenever a majority of all the trustees of any such corporation shall, by a resolution to be entered upon their minutes, express a desire and purpose to change the name of such corporation, the same may be effected in the manner following, to wit: Notice of intention to apply to the superintendent of the banking department for leave to change the name of such corporation, specifying the name thereof, and the name to which it is proposed to change the same, shall be published as required in section five of this act. After such publication application may be made to the superintendent to change the name of such corporation to such name as has been agreed upon in such resolution, and published in such notice, evidence of which resolution and publication must be made satisfactory to the superintendent, together with such application. If it shall appear to the superintendent that it is expedient and proper that such change of name be made, he shall, by an order under his hand and seal of office, direct and authorize such change of corporate name to be made, and designate some day in the future, not to exceed thirty days from the date of such order, when the said change shall take effect. Such order shall be executed in triplicate, one copy shall be transmitted and filed in the office of the county clerk of the county in which such corporation is located; one copy shall be transmitted to the corporation affected thereby, and one copy shall be filed in the office of the superintendent of the banking department. Thereupon from the date designated in such order for such change of name to take effect, such corporation shall be known and described by the name designated in such order, and by such name shall have all the rights and powers to which it would be entitled if such change had not been made; but no such change shall in any manner

lessen or impair any liability of such corporation incurred or existing at the time such change of name shall be made.

§ 52. The powers, privileges, duties and restrictions conferred and imposed upon any savings corporation, by whatever name known, by its charter or act of incorporation, are hereby abridged, enlarged or modified, as each particular case may require, in such manner that each and every such charter or act of incorporation shall be made to conform to the provisions of this act, and to such amendments as may be made thereto; and each and every such savings corporation shall possess the powers, rights and privileges, and be subject to the duties and restrictions and liabilities conferred and imposed by this act, any thing in their respective charters or acts of incorporation to the contrary notwithstanding. But nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made, or transactions had, nor to require the change of investments for those named in this act, except as the same can be done gradually by the sale or redemption of the securities so invested in, in such manner as to prevent loss or embarrassment in the business of such corporation, or unnecessary loss or injury to the borrowers on such securities. And the investment hereafter in any securities not named in this act, or the amendments that may be made thereto, shall be deemed a misdemeanor, on part of the trustees authorizing, or officers making, the same; and such trustees or officers shall be subject to the prosecutions and punishments prescribed by law for that offense.

§ 53. All certificates or other evidences of deposit, made in pursuance of the regulations and usages of any such corporation, shall be as binding upon such corporation as though made under its common seal.

§ 54. The misnomer of any such corporation in any deed, grant, contract, conveyance or other instrument, shall not vitiate or impair the same, if the corporation be sufficiently described therein to ascertain the intention of the parties.

§ 55. This act is hereby declared to be a public act, and shall be construed favorably for every beneficial purpose therein contained.

§ 56. The following acts and parts of acts are hereby repealed, to wit: Sections three, four, six, chapter two hundred and sixty-two, of the laws of eighteen hundred and thirty-five, entitled "An act relative to unclaimed dividends and deposits."

Chapter three hundred and forty-seven of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to savings banks."

Chapter four hundred and seventy-eight of the laws of eighteen hundred and forty-seven, entitled "An act in relation to deposits by banks of savings."

Chapter four hundred and thirty-seven of the laws of eighteen hundred and forty-nine, entitled "An act to amend an act relative to unclaimed bank dividends and deposits, passed May nine, eighteen hundred and thirty-five, and for other purposes," so far as its provisions may apply to savings corporations.

Chapter ninety-one of the laws of eighteen hundred and fifty, entitled "An act for the protection of savings banks and institutions receiving deposits from married women," so far as the same relates to savings banks.

Chapter two hundred and fifty-seven of the laws of eighteen hundred and fifty-three, entitled "An act relative to savings banks, or institutions

for saving, in the city and county of New York, and the county of Kings."

Chapter four hundred and ninety-two of the laws of eighteen hundred and fifty-three, entitled "An act to amend an act entitled 'An act relative to savings banks, or institutions for savings, in the city and county of New York and the county of Kings,' passed April fifteen, eighteen hundred and fifty-three."

Chapter seventy-two of the laws of eighteen hundred and fifty-four, entitled "An act to authorize savings banks, or institutions for savings, to deposit surplus funds in trust companies."

Chapter three hundred and thirty-six of the laws of eighteen hundred and fifty-five, entitled "An act to regulate the distribution of the assets of savings banks, or institutions for savings, by receivers thereof."

Chapter one hundred and thirty-six of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to savings banks."

Chapter one hundred and thirty-two of the laws of eighteen hundred and fifty-eight, entitled "An act to restrain banks, banking institutions and individual bankers from assuming the title of savings banks, or receiving deposits as such."

Chapter one hundred and thirty-six of the laws of eighteen hundred and fifty-eight, entitled "An act in relation to savings banks in the city of Buffalo, and to amend an act entitled 'An act relative to savings banks, or institutions for savings, in the city and county of New York and the county of Kings,' passed April fifteenth, 1853."

Chapter three hundred and fifteen of the laws of eighteen hundred and sixty-three, entitled "An act to amend the act in relation to savings banks."

Chapter one hundred and thirteen of the laws of eighteen hundred and sixty-four, entitled "An act to authorize savings banks and savings institutions of this State to make loans to counties on their bonds."

Chapter two hundred and fourteen of the laws of eighteen hundred and sixty-five, entitled "An act relating to deposits by savings banks."

Section seven, chapter seven hundred and sixty-one, of the Laws of eighteen hundred and sixty-six, entitled "An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks."

Chapter thirty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter one hundred and thirty-six, laws of eighteen hundred and fifty-seven, and chapter two hundred and fifty-seven, laws of eighteen hundred and fifty-three, in relation to savings banks."

Chapter eight hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter seven hundred and sixty-one, of the laws of eighteen hundred and sixty-six, in relation to the taxation of the surplus funds of savings banks."

Chapter eight hundred and forty-five of the laws of eighteen hundred and sixty-eight, entitled "An act relative to savings banks."

Chapter two hundred and thirteen of the laws of eighteen hundred and sixty-nine, entitled "An act to regulate and restrict the organization of savings banks or institutions for savings."

So much of section four as relates to savings banks, chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second,



eighteen hundred and fifty, so as to permit municipal corporations to aid the construction of railroads."

Chapter six hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to facilitate mortgage loans on lands authorized to be sold forming a portion of Prospect park, in the city of Brooklyn."

Chapter six hundred and ninety-three of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act in relation to savings banks, passed March twentieth, eighteen hundred and fifty-seven, and to confer additional powers upon the superintendent of the banking department, in relation to savings banks in the State."

Chapter nine hundred and seven of the laws of eighteen hundred and seventy-one, entitled "An act relative to savings banks," or any other acts, or parts of acts, relating to savings banks or institutions for savings.

§ 57. This act shall take effect immediately.

S. S. LOWERY,  
D. P. WOOD,  
JACOB A. GROSS,  
*Senate Committee.*

G. W. SCHUYLER,  
THOMAS C. CAMPBELL,  
THOMAS G. ALVORD,  
FREDERICK W. SEWARD,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Costigan	W. A. Johnson	Schieffelin
Badger	Daggett	Keenan	Schuyler
Barkley	Daly	Kirk	Souder
Barrow	Davis	Krack	Seward
Beach	Decker	Lewis	Shattuck
Beardsley	Ely	Lillybridge	Sherwood
Benedict	Farrar	Lincoln	Shiel
Bennett	Fay	Mackin	Silverman
Berry	Fish	McGowan	Speaker
Bordwell	Friend	McGroarty	Talmage
Bowen	Gallagher	J. W. Miller	G. Taylor
Bradley	Gedney	Muller	Tewksbury
Broas	Green	Page	Vosburgh
Brown	Hammond	Petty	Wellington
Burtis	Hanrahan	Pierson	Wenzel
T. C. Campbell	Hauschel	Prince	Whitmore
Christopher	Holmes	Ransom	Willis
Clark	Hussey	Roscoe	Witbeck
Cole	Ives	Russell	Wurts
Comstock	W. Johnson	Schenck	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

By unanimous consent, Mr. Talmage introduced a bill entitled "An

act to provide for the improvement of Thirty-ninth street in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

By unanimous consent, Mr. Russell introduced a bill entitled "An act to release the interest of the people of the State of New York in certain real estate of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs at law to hold and convey the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

By unanimous consent, Mr. Fish introduced a bill entitled "An act to amend an act entitled 'An act to provide for enforcing the liens of innkeepers, boarding-house keepers, mechanics, workmen or bailees, upon chattel property,' passed May 8, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Daly offered for the consideration of the House a resolution, in the words following:

*Whereas*, A special committee was directed by resolution of this House to inquire into the alleged tampering with the files of this House relative to the Fifth Avenue bill; and

*Whereas*, The said investigation necessitated the employment of a stenographer and clerk; therefore,

*Resolved*, That the appointment of S. C. Rodgers as such stenographer, whose compensation shall be twenty-five cents a folio for the testimony taken upon such investigation during the month of March, 1875, and of Augustin Snow, as such clerk for ten days, at five dollars per day during the same time, is hereby authorized.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

} AYES 66 }  
} NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Seward
Barkley	Edson	Lewis	Shattuck
Beach	Ely	Mackin	Sherwood
Beardsley	Farrar	McGroarty	Shiel
Benedict	Friend	J. W. Miller	Silverman
Berry	Gallagher	Page	Stacy
Bordwell	Green	Petty	Talmage
Bradley	Hammond	Pope	G. Taylor
Braman	Hanrahan	Prince	Tremain
Broas	Hauschel	Ransom	Vedder
Burtis	Hess	Russell	Vosburgh
T. C. Campbell	Houghton	Sanford	Wenzel
Christopher	Ives	Schenok	Whitmore
Cole	W. Johnson	Schieffelin	Willis
Comstock	Kennaday	Schuyler	Worth
Costigan	Kirk	Soudder	Wurts
Daly	Krack		

For the negative,

Gedney



By unanimous consent, Mr. Tremain introduced a bill entitled "An act to amend title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince introduced a bill entitled "An act to amend chapter 367 of the Laws 1873, entitled 'An act amending an act entitled An act to establish free schools in district No. 3 of the town of Flushing,' passed April 16, 1857, enlarging said district and authorizing a greater school tax therein," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Also, by unanimous consent, a bill entitled "An act to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the power and duties and compensation of the captain of the port and harbor masters of the port of New York,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Brown introduced a bill entitled "An act to amend chapter 148 of the Laws of 1871, entitled 'An act authorizing the commissioners of highways of the town of Stony Point, in the county of Rockland, to build a draw-bridge over Minisceongo creek, in said town and authorizing said town to aid them,' passed March 22, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Stacy introduced a bill entitled "An act to amend chapter 154 of the Laws of 1875, entitled 'An act for the preservation of fish in the waters of the Genesee river, its branches or tributaries in the county of Allegany,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Husted introduced a bill entitled "An act in regard to the boundary monuments of the State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

Mr. Prince moved to lay that order of business on the table, for the purpose of taking up the special orders, viz.: the consideration of G. O. 661, 660 and 518.

Mr. Alvord moved to amend by making said bills a special order for this evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Prince, as amended, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Leave of absence was granted to Mr. Calkins indefinitely.

The Senate bill entitled "An act to confer additional powers on the common council of the city of Cohoes," was read a third.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Keenan	Sanford
Badger	Edson	Kennaday	Schenck
Barkley	Ely	Kirk	Schieffelin
Barrow	Faulkner	Krack	Schuyler
Beach	Friend	Lawrence	Sherwood
Beardsley	Gallagher	Lillybridge	Shiel
Benedict	Gedney	Mackin	Speaker
Berry	Green	McGowan	Stauf
Bordwell	Griffin	McGroarty	Talmage
Bowen	Hammond	J. W. Miller	G. Taylor
Bradley	Hanrahan	Muller	Tewksbury
Braman	Hauschel	Oakley	Vedder
Broas	Hinckley	O'Keefe	Vosburgh
Burtis	Holmes	Page	Wellington
T. C. Campbell	Houghton	Peck	Wenzel
Christopher	Hussey	Petty	Whitmore
Cole	Husted	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Costigan	W. Johnson	Roscoe	Worth
Daly	W. A. Johnson	Russell	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Ilion,' passed March 8, 1865," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Russell
Barkley	Edson	Kirk	Schenck
Barrow	Ely	Krack	Schuyler
Beach	Farrar	Lawrence	Souder
Benedict	Faulkner	Lillybridge	Seward
Berry	Fay	Mackin	Sherwood
Bordwell	Fish	McGowan	Shiel
Bowen	Gallagher	McGroarty	Silverman

Bradley	Gedney	J. W. Miller	Smith
Burtis	Green	W. Miller	Stauf
T. C. Campbell	Griffin	Oakley	Talmage
T. J. Campbell	Hanrahan	O'Keefe	G. Taylor
Christopher	Hauschel	Page	Vedder
Clark	Hinckley	Peck	Vosburgh
Coffey	Holmes	Petty	Washner
Cole	Hussey	Pierson	Wellington
Comstock	Husted	Pope	Wenzel
Costigan	Ives	Prince	Whitmore
Daly	W. Johnson	Rich	Willis
Davis	W. A. Johnson	Roscoe	Worth
Decker	Keenan		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, and also to repeal the act to establish a capital police district, and to provide for the government thereof, passed April 22, 1865, and the several acts amendatory thereof, in so far as they relate to the city of Albany," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor hereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	W. Johnson	Prince
Badger	Daly	W. A. Johnson	Ransom
Barkley	Davis	Keenan	Roscoe
Barrow	Decker	Kirk	Russell
Beach	Dessar	Krack	Sanford
Beardsley	Edson	Lawrence	Schenck
Benedict	Ely	Lillybridge	Schuyler
Bennett	Farrar	Lincoln	Seward
Berry	Faulkner	Mackin	Sherwood
Bordwell	Fay	McAfee	Shiel
Bowen	Fish	McGowan	Silverman
Bradley	Friend	McGroarty	Smith
Braman	Gedney	J. W. Miller	Speaker
Broas	Hammond	W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	Tewksbury
T. C. Campbell	Hauschel	O'Keefe	Vosburgh
T. J. Campbell	Holmes	Page	Whitmore
Christopher	Houghton	Peck	Willis
Clark	Hussey	Petty	Witbeck
Cole	Husted	Pierson	Worth
Comstock	Ives	Pope	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schieffelin
Badger	Edson	Krack	Schuyler
Barkley	Ely	Lawrence	Scudder
Barrow	Farrar	Lincoln	Seward
Beach	Faulkner	Mackin	Shattuck
Benedict	Fish	McAfee	Sherwood
Berry	Friend	McGowan	Shiel
Bordwell	Gedney	McGroarty	Silverman
Bowen	Green	J. W. Miller	Smith
Bradley	Hammond	W. Miller	Speaker
Braman	Hanrahan	Oakley	Stauf
Broas	Hauschel	O'Keefe	Stephens
Burtis	Hess	Page	Talmage
T. C. Campbell	Hinckley	Petty	G. Taylor
T. J. Campbell	Hogan	Pierson	Vedder
Christopher	Houghton	Pope	Vosburgh
Clark	Husted	Prince	Waehner
Cole	Ives	Ransom	Wenzel
Comstock	W. Johnson	Rich	Willis
Costigan	W. A. Johnson	Russell	Witbeck
Daly	Keenan	Sanford	Worth
Davis	Kennaday	Schenck	Wurts
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act in relation to the purchase by the United States of certain lands at West Point, and the ceding of jurisdiction of this State over said lands to the United States," as amended was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Schuyler
Badger	Farrar	Lillybridge	Scudder
Barkley	Faulkner	Lincoln	Seward

Barrow	Fish	Mackin	Shattuck
Beach	Friend	McAfee	Sherwood
Benedict	Gallagher	McGowan	Shiel
Berry	Gedney	McGroarty	Silverman
Bordwell	Griffin	J. W. Miller	Smith
Bradley	Hammond	W. Miller	Speaker
Braman	Hanrahan	Oakley	Stauf
Broas	Hauschel	Page	Stephens
Burtis	Hepburn	Peck	Talmage
T. C. Campbell	Holmes	Petty	G. Taylor
T. J. Campbell	Houghton	Pierson	W. F. Taylor
Christopher	Hussey	Pope	Vedder
Clark	Husted	Prince	Vosburgh
Cleary	Ives	Ransom	Waehner
Cole	W. Johnson	Rich	Wenzel
Costigan	W. A. Johnson	Roscoe	Willis
Daly	Keenan	Russell	Witbeck
Davis	Kennaday	Sanford	Worth
Dessar	Kirk	Schenck	Wurts
Edson	Krack	Schieffelin	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond, in the county of Richmond,' passed April 24, 1866, and the act amendatory thereof, passed April 25, 1867, and also to amend chapter 467 of the Laws of 1874, being an act amendatory of said above-mentioned acts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schuyler
Badger	Ely	Lawrence	Seward
Barrow	Farrar	Lillybridge	Shattuck
Beach	Faulkner	Lincoln	Shiel
Benedict	Fish	Mackin	Silverman
Bennett	Friend	McAfee	Smith
Berry	Gallagher	McGowan	Speaker
Bordwell	Gedney	McGroarty	Stauf
Bradley	Griffin	J. W. Miller	Stephens
Braman	Hammond	W. Miller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
T. C. Campbell	Hepburn	Page	W. F. Taylor
T. J. Campbell	Hess	Peck	Vedder
Christopher	Hinckley	Petty	Vosburgh
Clark	Holmes	Pope	Waehner
Cleary	Hussey	Prince	Wenzel
Cole	Ives	Ransom	Whitmore

Costigan	W. Johnson	Roscoe	Witbeck
Daly	W. A. Johnson	Russell	Worth
Decker	Keenan	Schenck	Wurts
Dessar	Kennaday	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park in or outside of the city of Binghamton, and lay out the same, passed April 6, 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daggett	W. Johnson	Schenck
Badger	Davis	Kennaday	Schieffelin
Barkley	Decker	Krack	Souder
Barrow	Ely	Lawrence	Seward
Beach	Farrar	Lillybridge	Sherwood
Beardsley	Faulkner	Lincoln	Shiel
Benedict	Gallagher	Mackin	Speaker
Berry	Gedney	McAfee	Stacy
Bordwell	Green	McGowan	Stauf
Bowen	Griffin	McGrearty	Talmage
Braman	Hanrahan	O'Keefe	G. Taylor
Broas	Hanschel	Page	Tewksbury
T. C. Campbell	Hepburn	Peck	Vedder
T. J. Campbell	Hess	Petty	Vosburgh
Christopher	Hinckley	Pierson	Wachner
Clark	Holmes	Pope	Whitmore
Coffey	Houghton	Ransom	Willis
Cole	Hussey	Rich	Witbeck
Comstock	Husted	Russell	Wurts
Costigan	Ives		

Those who voted in the negative, were

Bradley	Edson	Fish	Keenan
Burtis			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to incorporate the Rescue Hook and Ladder Company of Tonawanda, Erie county, New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Seward
Badger	Farrar	Lillybridge	Sherwood
Beach	Faulkner	Lincoln	Shiel
Benedict	Friend	Mackin	Smith
Berry	Gallagher	McGowan	Speaker
Bordwell	Hammond	McGroarty	Stauf
Bowen	Hanrahan	J. W. Miller	Stephens
Bradley	Hauschel	W. Miller	Talmage
Braman	Hepburn	Oakley	G. Taylor
Burtis	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hinckley	Page	Tewksbury
Christopher	Holmes	Petty	Vosburgh
Clark	Houghton	Pope	Waehner
Cole	Husted	Prinee	Wenzel
Comstock	Ives	Ransom	Whitmore
Costigan	W. Johnson	Roscoe	Willis
Daly	W. A. Johnson	Russell	Witbeck
Decker	Kennaday	Schenck	Worth
Dessar	Kirk	Scudder	Wurts
Edson	Krack		

Those who voted in the negative, were

T. C. Campbell    Schieffelin

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 181 of the Laws of 1872, entitled 'An act for the better prevention of the procurement of abortions and other like offenses, and to amend the Laws relative thereto,'" as amended was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Keenan	Rich
Badger	Ely	Kennaday	Roscoe
Barkley	Farrar	Kirk	Russell
Barrow	Fay	Lawrence	Sanford
Beach	Fish	Lewis	Schieffelin
Beardsley	Friend	Lillybridge	Schuyler
Berry	Gallagher	Lincoln	Scudder
Bordwell	Gedney	Mackin	Seward
Bowen	Green	McAfee	Shiel
Bradley	Griffin	McGowan	Silverman



Broas	Hanrahan	McGroarty	Speaker
Brown	Hauschel	Merwin	Stauf
Burtis	Hepburn	J. W. Miller	G. Taylor
T. C. Campbell	Hinckley	W. Miller	Tewksbury
T. J. Campbell	Holmes	Oakley	Vosburgh
Christopher	Houghton	O'Keefe	Wachner
Clark	Hussey	Page	Wenzel
Comstock	Husted	Peck	Whitmore
Costigan	Ives	Petty	Willis
Daggett	W. Johnson	Pierson	Witbeck
Daly	W. A. Johnson	Pope	Wurts
Davis			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate bill entitled "An act to prevent fishing within three years in the waters of Lawson's and McCulloch's lake, in the county of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schieffelin
Badger	Ely	Lawrence	Schuyler
Barkley	Farrar	Lillybridge	Seward
Beach	Faulkner	Lincoln	Shiel
Beardsley	Fish	Mackin	Slingerland
Benedict	Friend	McAfee	Speaker
Berry	Gallagher	McGowan	Stauf
Bordwell	Gedney	McGroarty	Stephens
Bradley	Hammond	J. W. Miller	Talmage
Braman	Hanrahan	W. Miller	G. Taylor
Brown	Hepburn	Oakley	Tewksbury
Burtis	Hinckley	Page	Vedder
T. C. Campbell	Holmes	Peck	Vosburgh
T. J. Campbell	Houghton	Petty	Wachner
Christopher	Hussey	Prince	Wenzel
Clark	Husted	Ransom	Whitmore
Cole	Ives	Rich	Witbeck
Costigan	W. Johnson	Roscoe	Worth
Daly	W. A. Johnson	Sanford	Wurts
Decker	Kennaday	Schenck	Yost
Dessar	Kirk		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend title 2, chapter 10, part 3 of the Revised Statutes, entitled 'Of security for the payment of costs,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the

final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lillybridge	Seward
Badger	Farrar	Lincoln	Sherwood
Barkley	Faulkner	Mackin	Shiel
Barrow	Fish	McAfee	Smith
Beach	Friend	McGowan	Speaker
Beardsley	Gallagher	McGroarty	Stauf
Berry	Gedney	J. W. Miller	Stephens
Bordwell	Hanrahan	W. Miller	Talmage
Bradley	Hepburn	Oakley	G. Taylor
Burtis	Hinckley	Page	Tewksbury
T. C. Campbell	Holmes	Peck	Vedder
T. J. Campbell	Houghton	Petty	Vosburgh
Christopher	Hussey	Pierson	Waehner
Clark	Ives	Prince	Wenzel
Cole	W. Johnson	Ransom	Willis
Costigan	W. A. Johnson	Rich	Witbeck
Daggett	Kennaday	Schenck	Worth
Daly	Kirk	Schieffelin	Wurts
Dessar	Krack	Schuyler	Yost
Edson	Lawrence		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Krack	Schuyler
Badger	Farrar	Lawrence	Seward
Barkley	Faulkner	Lillybridge	Shattuck
Barrow	Fay	Lincoln	Sherwood
Beardsley	Fish	Mackin	Shiel
Benedict	Friend	McAfee	Smith
Berry	Gallagher	McGowan	Speaker
Bordwell	Green	McGroarty	Stauf
Bradley	Hammond	J. W. Miller	Stephens
Braman	Hanrahan	Muller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	Page	Vedder

T. J. Campbell	Hinckley	Peck	Vosburgh
Christopher	Holmes	Petty	Waehner
Clark	Hussey	Pierson	Wenzel
Cole	Husted	Pope	West
Comstock	Ives	Prince	Willis
Costigan	W. Johnson	Ransom	Witbeck
Daly	W. A. Johnson	Rich	Worth
Decker	Keenan	Russell	Wurts
Dessar	Kirk	Schenck	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Badger	Dessar	Krack	Seward
Barkley	Edson	Lawrence	Sherwood
Barrow	Ely	Lewis	Shiel
Beach	Farrer	Lillybridge	Smith
Benedict	Faulkner	Mackin	Speaker
Berry	Friend	McAfee	Stauf
Bordwell	Gallagher	McGowan	Stephens
Bradley	Gedney	McGroarty	Talmage
Braman	Hammond	J. W. Miller	G. Taylor
Brown	Hanrahan	Oakley	Vedder
Burtis	Hepburn	O'Keefe	Vosburgh
T. C. Campbell	Hinckley	Peck	Waehner
T. J. Campbell	Holmes	Petty	Wenzel
Christopher	Hussey	Pope	Whitmore
Cleary	Husted	Prince	Willis
Coffey	Ives	Ransom	Worth
Costigan	W. Johnson	Roscoe	Wurts
Daggett	W. A. Johnson	Russell	Yost
Daly	Kennaday	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to change the commissioners for the construction of a bridge across the Hudson river, at or near the mouth of North creek, in Warren county."

*Ordered*, That the Clerk deliver said bill to the Governor.

The bill entitled "An act authorizing the city of Buffalo to convey to adjacent land owners lands lying within the limits of certain streets

located in the south village of Black Rock, whenever any such street shall be discontinued or contracted," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lillybridge	Sherwood
Badger	Faulkner	Lincoln	Shiel
Barkley	Fay	McAfee	Slingerland
Beach	Friend	McGowan	Smith
Benedict	Gallagher	McGroarty	Stacy
Berry	Hammond	J. W. Miller	Stephens
Bordwell	Hanrahan	W. Miller	Talmage
Braman	Hauschel	Oakley	G. Taylor
Burtis	Hess	O'Keefe	W. F. Taylor
T. C. Campbell	Hinckley	Peck	Vedder
T. J. Campbell	Holmes	Petty	Vosburgh
Christopher	Hussey	Pierson	Waeher
Clark	Husted	Prince	Wenzel
Cleary	Ives	Ransom	West
Cole	W. Johnson	Roscoe	Whitmore
Costigan	Keenan	Russell	Willis
Daly	Kennaday	Sanford	Witbeck
Decker	Kirk	Schenck	Worth
Dessar	Krack	Schuyler	Wurts
Edson	Lawrence	Seward	Yost
Ely			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lincoln	Shattuck
Badger	Fish	Mackin	Sherwood
Barrow	Friend	McAfee	Slingerland
Beardsley	Gallagher	McGowan	Smith
Benedict	Green	McGroarty	Speaker
Berry	Hammond	J. W. Miller	Stauf
Bordwell	Hauschel	W. Miller	Struble

Bradley	Hepburn	Oakley	Talmage
Braman	Hinckley	O'Keefe	G. Taylor
Burtis	Holmes	Peck	Tewksbury
T. C. Campbell	Houghton	Petty	Vedder
T. J. Campbell	Husted	Pope	Vosburgh
Christopher	Ives	Prince	Waehner
Cleary	W. Johnson	Ransom	Wenzel
Coffey	W. A. Johnson	Roscoe	Whitmore
Comstock	Kennaday	Russell	Willis
Costigan	Kirk	Schenck	Witbeck
Daly	Krack	Schieffelin	Worth
Dessar	Lawrence	Schuyler	Wurts
Edson	Lewis	Seward	Yost
Farrar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to facilitate the distribution of the property and effects of the Tontine Life Insurance Company," being announced for a third reading,

On motion of Mr. Husted, and by unanimous consent, said bill was amended as follows:

Amend the title of the bill so as to read "An act to facilitate the investment and distribution of the property, money and effects of insurance companies."

Amend section 1 so as to read as follows:

"§ 1. Whenever any life insurance company in this State shall have been dissolved by the judgment of any court of competent jurisdiction, in an action or proceeding in which a receiver shall have been appointed of the property and effects of such company for the purpose of collecting, receiving and distributing the property and effects of said company, the Attorney-General may apply to the court in which the judgment shall have been rendered for an order upon the foot of such judgment, directing the distribution of the securities, money or other property belonging to or deposited by such company with the Insurance Department, and said court shall have the power to refer such application to inquire into and report to the court upon the allegations stated therein; and upon the filing of such report the said court may direct that the securities and property aforesaid be distributed to and among the policy holders of such company as their rights may be determined by the court upon such application; and the residue, if any, be distributed to and among the other persons having legal rights therein as the same may be established by law."

Make section 3 section 4, and insert the following as section 3:

"§ 3. It shall be lawful for any life, fire or marine insurance company organized under any of the laws of this State, and transacting business in other States of the United States, to invest the funds required to meet its obligations incurred in such other States respectively, in the same class of securities in those States that such corporations are by law allowed to invest in in this State; but this act shall not be construed as authorizing, nor does it permit, any such corporation to loan moneys on mortgage upon real estate without the limits of this State and States adjacent thereto."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Badger	Edson	Krack	Schuyler
Barrow	Ely	Lawrence	Scudder
Beach	Farrar	Lewis	Seward
Benedict	Faulkner	Lincoln	Shattuck
Berry	Fish	McAfee	Sherwood
Bordwell	Friend	McGowan	Shiel
Bowen	Gallagher	McGroarty	Smith
Bradley	Green	Merwin	Speaker
Braman	Hammond	J. W. Miller	Staoy
Burtis	Hanrahan	W. Miller	Stauf
T. C. Campbell	Hauschel	Oakley	Stephens
T. J. Campbell	Hinckley	Page	Tremain
Christopher	Hogan	Peck	Vosburgh
Clark	Holmes	Petty	Waehner
Cleary	Houghton	Pope	Wellington
Cole	Husted	Prince	Whitmore
Comstock	Ives	Ransom	Willis
Costigan	W. A. Johnson	Rich	Worth
Daggett	Kennaday	Russell	Yost
Daly			

For the negative,

Hepburn

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled, 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and territories,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Badger	Dessar	Krack	Seward
Barkley	Edson	Lawrence	Shattuck
Barrow	Ely	Lillybridge	Sherwood
Beach	Farrar	Lincoln	Shiel

Benedict	Faulkner	Mackin	Smith
Berry	Friend	McGowan	Speaker
Bordwell	Gallagher	McGroarty	Stauf
Bowen	Gedney	J. W. Miller	Talmage
Bradley	Hammond	W. Miller	G. Taylor
Braman	Hanrahan	Oakley	Vedder
Burtis	Hepburn	Page	Vosburgh
T. C. Campbell	Hess	Peck	Waehner
T. J. Campbell	Hinckley	Petty	Wenzel
Christopher	Hussey	Prince	Whitmore
Clark	Husted	Ransom	Witbeck
Cole	Ives	Roscoe	Worth
Costigan	W. Johnson	Russell	Wurts
Daggett	W. A. Johnson	Schenck	Yost
Daly	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend chapter 97 of the Laws of 1875, entitled 'An act providing for the forfeiture of property in certain cases,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. T. C. Campbell, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present:

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were .

Alvord	Daly	W. Johnson	Russell
Badger	Decker	W. A. Johnson	Schenck
Barkley	Dessar	Kennaday	Schuyler
Beach	Edson	Kirk	Seward
Beardsley	Ely	Krack	Sherman
Benedict	Farrar	Lawrence	Shiel
Bennett	Faulkner	Lillybridge	Slingerland
Berry	Fay	Lincoln	Speaker
Bordwell	Fish	McAfee	Stacy
Bowen	Friend	McGowan	Talmage
Bradley	Gedney	McGroarty	G. Taylor
Braman	Green	J. W. Miller	Vedder
Burtis	Hammond	W. Miller	Vosburgh
T. C. Campbell	Hauschel	Oakley	Waehner
T. J. Campbell	Hepburn	O'Keefe	Wellington
Christopher	Hinckley	Page	Wenzel
Clark	Holmes	Petty	Whitmore
Coffey	Houghton	Pierson	Willis
Comstock	Hussey	Prince	Worth
Costigan	Husted	Ransom	Wurts
Daggett	Ives	Rich	Yost



*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for holding the annual elections of the village of Hornellsville at the lock-up in said village, and to limit the number of trustees of said village to five," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lawrence	Shiel
Badger	Friend	Lillybridge	Slingerland
Barkley	Gallagher	Lincoln	Speaker
Beardsley	Gedney	McAfee	Stauf
Bennett	Green	McGowan	Stephens
Berry	Griffin	McGroarty	Talmage
Bordwell	Hanrahan	J. W. Miller	G. Taylor
Bradley	Hauschel	W. Miller	Tewksbury
Braman	Hess	Oakley	Vedder
Burtis	Hinckley	O'Keefe	Vosburgh
T. C. Campbell	Holmes	Page	Waehner
T. J. Campbell	Hussey	Petty	Wellington
Christopher	Husted	Pope	Wenzel
Clark	Ives	Prince	West
Cole	W. Johnson	Rich	Willis
Daly	Keenan	Russell	Witbeck
Decker	Kennaday	Schenok	Worth
Edson	Kirk	Schuyler	Wurts
Ely	Krack .	Sherwood	Yost
Farrar			

For the negative,

Costigan

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the construction of sewers in the city of Yonkers," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Keenan	Schuyler
Badger	Dessar	Kennaday	Seward

Barkley	Edson	Kirk	Shattuck
Beach	Ely	Krack	Shiel
Benedict	Farrar	Lawrence	Silverman
Bennett	Faulkner	Lillybridge	Smith
Berry	Fay	Lincoln	Speaker
Bordwell	Friend	Mackin	Stauf
Bowen	Gallagher	McAfee	Stephens
Bradley	Gedney	McGowan	Talmage
Braman	Griffin	McGroarty	G. Taylor
Brown	Hammond	J. W. Miller	Tremain
Burtis	Hanrahan	Oakley	Vedder
T. C. Campbell	Hauschel	Page	Vosburgh
T. J. Campbell	Hepburn	Peck	Wellington
Christopher	Hess	Petty	Wenzel
Clark	Hinckley	Pope	West
Cole	Holmes	Prince	Witbeck
Comstock	Hussey	Ransom	Worth
Costigan	Husted	Roscoe	Wurts
Daggett	Ives	Russell	Yost
Daly	W. Johnson	Schenok	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schuyler
Badger	Edson	Krack	Scudder
Barkley	Ely	Lawrence	Seward
Barrow	Farrar	Lillybridge	Sherwood
Beach	Faulkner	Lincoln	Shiel
Beardsley	Fish	Mackin	Smith
Bennett	Friend	McAfee	Speaker
Berry	Gallagher	McGowan	Stauf
Bordwell	Gedney	McGroarty	Struble
Bradley	Hammond	J. W. Miller	Talmage
Braman	Hanrahan	W. Miller	G. Taylor
Burtis	Hauschel	Oakley	Vedder
T. C. Campbell	Hepburn	O'Keefe	Vosburgh
T. J. Campbell	Hinckley	Page	Waehner
Christopher	Holmes	Petty	Wenzel
Cleary	Houghton	Pierson	West
Coffey	Hussey	Prince	Willis
Cole	Husted	Ransom	Witbeck
Costigan	Ives	Rich	Worth

Daggett	W. Johnson	Roscoe	Wurts
Daly	W. A. Johnson	Russell	Yost
Davis	Kennaday	Schenck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to declare a road in Clinton county a public highway," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Scudder
Badger	Ely	Lawrence	Seward
Barkley	Farrar	Lawson	Shattuck
Barrow	Faulkner	Lillybridge	Shiel
Beardsley	Fish	Mackin	Slingerland
Benedict	Friend	McAfee	Speaker
Berry	Gallagher	McGowan	Stacy
Bordwell	Gedney	McGroarty	Stephens
Bradley	Griffin	J. W. Miller	G. Taylor
Braman	Hammond	W. Miller	Tewksbury
Burtis	Hanrahan	Oakley	Vedder
T. C. Campbell	Hepburn	O'Keefe	Vosburgh
T. J. Campbell	Hess	Peck	Waehner
Christopher	Hinckley	Pierson	Wenzel
Clark	Holmes	Pope	Whitmore
Cole	Hussey	Ransom	Willis
Cooke	Husted	Rich	Witbeck
Costigan	Ives	Roscoe	Worth
Daly	W. Johnson	Russell	Wurts
Davis	Kennaday	Schenck	Yost
Dessar	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," being announced for a third reading,

On motion of Mr. Lincoln, and by unanimous consent, said bill was amended as follows:

Page 8, line 9, engrossed bill, after the word "rebuilding" insert the word "with." Same line, after the word "iron" insert the word "the."

Mr. Barrow moved to recommit said bill to the committee on canals, with instructions to strike out in the last line on page 4 and the first line on page 5, engrossed bill, the words "for the enlargement of the Champlain canal, the sum of \$500,000."

Debate was had thereon, when

Mr. Lincoln moved to amend by instructing said committee to strike out on page 8, engrossed bill, commencing with line 19, the following:

"To pay for constructing swing and foot bridges over the Erie canal at Salina street, in the city of Syracuse, authorized by chapter 381 of the Laws of 1874, and now under contract, and for quarry stone, paving and flag-stone walks on approaches to the same, to be of the same kind and quality as the adjoining work ordered to be laid in the said street by the authorities of said city, the sum of twenty thousand dollars, or so much thereof as may be necessary.

"For constructing swing, hoist or turn-table and foot bridges over the Oswego canal on Salina street, in the city of Syracuse, authorized by chapter 382 of the Laws of 1874, the sum of twenty thousand dollars, or so much thereof as may be necessary."

Debate was again had, when

Mr. Daly moved to further amend by reducing the appropriation to Champlain canal to \$300,000.

Debate ensued thereon, when

Mr. Davis moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

Debate again ensued, when

Mr. Speaker put the question whether the House would agree to said motion of Mr. Daly, and it was determined in the negative.

Mr. Davis moved to amend by recommitting without instructions.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Davis, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Lincoln, and it was determined in the affirmative.

Mr. Speaker then announced the question to be on the motion of Mr. Barrow, as amended by the motion of Mr. Lincoln.

Mr. Lincoln called for a division of the question.

Mr. Speaker put the question on that part of said motion that refers to the amendment of Mr. Lincoln, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Barrow, and it was determined in the affirmative.

} AYES 76 {  
} NOES 31 {

Those who voted in the affirmative, were

Badger	Decker	W. A. Johnson	Schnyler
Barkley	Dessar	Keenan	Scudder
Barrow	Edson	Kirk	Shattuck
Beach	Ely	Lawrence	Sherwood
Benedict	Farrar	Lillybridge	Shiel
Bennett	Faulkner	Lincoln	Silverman
Bordwell	Fay	Mackin	Smith
Bradley	Fish	McGowan	Stacy
Broas	Friend	J. W. Miller	Stauf
Brogan	Gedney	Muller	Stephens
Brown	Green	Oakley	Tewksbury
T C. Campbell	Hammond	O'Keefe	Vedder

T. J. Campbell	Hepburn	Peck	Waehner
Christopher	Hess	Petty	Wenzel
Clark	Hinckley	Pierson	Whitmore
Coffey	Holmes	Rich	Willis
Cole	Hussey	Roscoe	Worth
Comstock	Husted	Sanford	Wurts
Costigan	Ives	Schieffelin	Yost

Those who voted in the negative, were

Alvord	Davis	Lewis	Ransom
Beardsley	Griffin	McAfee	Schenck
Berry	Hanrahan	McGroarty	Seward
Bowen	Hauschel	Merwin	Slingerland
Braman	Houghton	W. Miller	Talmage
Burtis	W. Johnson	Page	Tremain
Cleary	Kennaday	Pope	Vosburgh
Daly	Kshinka	Prince	

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor requesting him to return Senate bill No. 96, entitled "An act authorizing the common council of the city of Buffalo to make reassessments to defray the expenses of certain local improvements in said city," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

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### HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confer power on the judges of the superior court of Buffalo to make orders in actions pending in the supreme court," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered to a third reading.

"An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relating to the court of arbitration of the chamber of commerce of the State of New York, and to provide for the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the proceedings of a town meeting held at the town-house in the town of Watervliet on the 13th day of April, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 3 of title 4 of chapter 8 of part 3 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Masonic Hall Association of the village of Hornellsville,' passed April 27, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women, in insuring the lives of their husbands, passed April 14, 1858,' passed April 18, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to repeal an act entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,' passed May 20, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson,' passed May 1, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act providing for the appointment of trustees of the estates of persons absenting themselves from their domiciles in this State and remaining unheard of, or suddenly disappearing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act further to amend chapter 312 of the Laws of 1859, entitled 'An act to equalize the State tax among the several counties in this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

"An act to fix the rates of fare to be charged upon the New York Central and Hudson River railroad for transporting passengers from the depot at Buffalo to the grounds of the Buffalo Driving Park Association in said city," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered to a third reading.

"An act to enable incorporated parishes of the Protestant Episcopal denomination in the diocese of Central New York to make certain transfers of their real and personal estate," which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal Church in the diocese of Western New York,' passed March 26, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act to authorize the board of assessors in the city of New York to revise and correct the assessments for the outlet sewer in Eightieth street and other streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

A message from the Senate was received and read, informing that they have reconsidered the vote on the final passage of the following entitled bills recalled from the Governor for amendment, and have passed the same as amended by the Assembly:

"An act for the preservation of fish in the waters of Oak Orchard creek, in the counties of Genesee and Orleans."

"An act to amend and supplementary to chapter 362 of the Laws of 1872, entitled 'An act to incorporate the Mutual Trust Institution of New York.'"

"An act to amend chapter 26 of the Laws of 1874, entitled 'An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal Church.'"

"An act to amend chapter 820 of the Laws of 1869, entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes, passed April 20, 1866, as to travel fees of constables.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 661 of the Laws of 1873, entitled 'An act to provide for the support and care of State paupers.'"

"An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautauqua lake from certain provisions of said act."

"An act to amend section 1 of chapter 693 of the Laws of 1873, so as to include the waters of Findley's lake, in the county of Chautauqua."

"An act to provide for a public park in the city of Lockport."

"An act releasing the interest of the State of New York in certain lands of which Robert A. Lamont died seized, to Angeline Post, Elizabeth Huber, Schuyler Lamont and Charles Lamont, heirs-at-law of said Robert A. Lamont, deceased."

"An act in relation to the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church."



"An act to authorize the town auditors of the towns of Southfield and Middletown, Richmond county, to audit certain claims."

"An act to legalize the action of the village of Whitehall in acquiring title to certain lands and erecting a building thereon, and authorizing the issuing of bonds of said village for the payment of the debt incurred in such erection."

"An act to authorize the increase of the capital stock of the Staten Island Bridge Company."

"An act to amend chapter 490 of the Laws of 1874, entitled 'An act to amend chapter 504 of the Laws of 1873, entitled An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.'"

"An act to release to Josephine Robright the real estate of which Frederick Robright died seized."

"An act to legalize the resolution adopted at the last annual town meeting in the town of Olean, providing an appropriation by tax for the construction of a vault in the burial ground of that town."

"An act to enable the town of Queensbury, in the county of Warren, to use certain moneys now in the hands of the supervisor of said town, for the construction of an iron bridge across the Hudson river at Glens Falls, in said town."

"An act further to amend chapter 229, Laws of 1870, entitled 'An act to organize and establish a police for the city of Schenectady.'"

"An act in relation to parsonages in certain cases."

"An act to amend chapter 548 of the Laws of 1869, entitled 'An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung.'"

"An act to release the interest of the people of the State of New York in the real estate of which Patrick Lynch, late of the city of Rochester, died seized."

"An act to authorize the city of Schenectady to purchase additional fire engines, and to borrow money therefor."

"An act to authorize the common council of the city of Buffalo to order to be assessed, and to cause to be raised by local assessment, the amount of the expenses incurred in rebuilding the westerly end of the sewer in Breckenridge street in said city, upon and from the lands benefited thereby."

"An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village."

"An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital."

"An act to release to George Wheeler the real estate of which Elizabeth Wheeler died seized."

"An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex.'"

"An act relating to the consolidation of certain railroad companies."

"An act to legalize the acts of Charles D. Barrows, as notary public."

"An act to give effect to a deed of assignment made by the Washington Iron Works to James Bigler."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. T. J. Campbell, the bill entitled "An act to regulate pilotage for the port of New York," was recommitted to the committee on commerce and navigation, retaining its place on general orders.

On motion of Mr. Waehner,

*Resolved*, That the committee on canals forthwith report Assembly bill No. 560, entitled "An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," amended pursuant to the direction of the House.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:

"An act to incorporate the Great Council of the Improved Order of Red Men of the State of New York."

"An act further to amend chapter 833 of the Laws of 1873, entitled 'An act to regulate the fees of coroners.'"

"An act to amend the Revised Statutes relating to the recording of conveyances of real estate."

"An act to authorize the confinement of convicts in the county penitentiaries of this State."

"An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie.'"

"An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street in the city of Brooklyn.'"

"An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' chapter 590, Laws of 1872, passed May 7, 1872."

"An act to provide for the apportionment of rents, annuities, dividends and other payments."

"An act to amend an act passed April 17, 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings.'"

"An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek.'"

"An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping."

"An act to confer upon the trustees of the incorporated villages of this State power to restrain and regulate the construction of wooden buildings, and to cause the removal or repair of unsafe walls, chimneys and other structures."

"An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester."

Senate, "An act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States."

Senate, "An act to amend an act entitled 'An act to enable non-resi-

dent guardians to obtain property in this State belonging to their wards residing in other States or Territories of the United States,' passed March 10, 1870."

Senate, "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 488 of the Laws of 1866, to issue bonds and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Booth, Int. No. 181, entitled "An act to amend chapter 508 of the Laws of 1874, entitled 'An act to authorize the construction of a railway from Vesey street, through certain streets in the city of New York, to the South ferry,'" reported in favor of the passage of the same, with an amendment, which report was agreed to.

On motion of Mr. Bennett, and by unanimous consent, said bill was ordered to a third reading.

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Alvord, Int. No. 1067, entitled "An act to release to the heirs-at-law and devisees of William Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed and referred to the sub-committee of the whole.

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Alvord, Int. No. 1018, entitled "An act to release to Susan Grant the right, title and interest of the people of the State of New York in and to certain real estate in the city of Rochester," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed and referred to the sub-committee of the whole.

Mr. Edson, from the committee on petitions of aliens, to which was referred the bill introduced by Mr. Russell, Int. No. 1076, entitled "An act to release the interest of the people of the State of New York in certain real estate of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs at law to hold and convey the same," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Russell, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Page, from the committee on canals, reported back the bill entitled "An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," amended as directed by the House.

Mr. Alvord moved to recommit said bill to the committee on canals, with instructions to restore the following: "To pay for constructing swing and foot bridges over the Erie canal at Salina street in the city of Syracuse, authorized by chapter 381 of the Laws of 1874, and now under contract, and for quarry-stone, paving and flag-stone walks on

approaches to the same, to be of the same kind and quality as the adjoining work ordered to be laid in said street by the authorities of said city, the sum of twenty thousand dollars, or so much thereof as may be necessary. For constructing swing, hoist or turn-table and foot-bridges over the Oswego canal on Salina street in the city of Syracuse, authorized by chapter 382 of the Laws of 1874, the sum of twenty thousand dollars, or so much thereof as may be necessary," and that the committee report back said bill forthwith, and upon that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

{ AYES 57 }  
{ NOES 27 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Barrow	Farrar	Lewis	Shiel
Bennett	Faulkner	Lillybridge	Slingerland
Bowen	Gallagher	Mackin	Smith
Braman	Gedney	McGroarty	Speaker
Broas	Green	W. Miller	Stauf
T. C. Campbell	Griffin	O'Keefe	Talmage
T. J. Campbell	Hanrahan	Page	G. Taylor
Christopher	Hauschel	Petty	W. F. Taylor
Clark	Hess	Prince	Vosburgh
Comstock	Husted	Ransom	Wæhner
Costigan	W. Johnson	Reilly	West
Daggett	Kennaday	Russell	Witbeck
Daly	Kirk	Schenck	Worth
Davis			

Those who voted in the negative, were

Barkley	Edson	McAfee	Scudder
Bordwell	Ely	J. W. Miller	Sherwood
Bradley	Hepburn	Peck	Whitmore
Brogan	Ives	Pope	Willis
Burtis	W. A. Johnson	Roscoe	Wurts
Coffey	Keenan	Sanford	Yost
Cooke	Lincoln	Schieffelin	

By unanimous consent, Mr. Worth introduced a bill entitled "An act to amend chapter 521 of the Laws of 1857, entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Worth, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Page, from the committee on canals, reported back the bill entitled "An act to authorize a tax of three-fifths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," amended as directed by the House.

On motion of Mr. Page, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, strike out the word "three-fifths" and insert the words "thirty-five one-hundredths." Amend the title by striking out the word "three-fifths" and inserting in lieu thereof the words "thirty-five one-hundredths."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 22 }

Those who voted in the affirmative, were

Alvord	Dessar	Keenan	Russell
Barrow	Edson	Kirk	Schieffelin
Bennett	Farrar	Kshinka	Schuyler
Berry	Fay	Lawrence	Sherwood
Bishop	Fish	Lewis	Shiel
Bordwell	Friend	Lillybridge	Silverman
Bradley	Gallagher	Lincoln	Smith
Braman	Gedney	Mackin	Speaker
Brogan	Green	McAfee	Talmage
Brown	Griffin	McGowan	G. Taylor
T. J. Campbell	Hammond	McGroarty	W. F. Taylor
Christopher	Hanrahan	J. W. Miller	Tewksbury
Clark	Hess	W. Miller	Tremain
Cole	Hinckley	Muller	Vosburgh
Comstock	Houghton	Page	Waehner
Costigan	Hussey	Peck	Wenzel
Daggett	Husted	Petty	West
Daly	Ives	Ransom	Whitmore
Davis	W. A. Johnson	Reilly	Worth
Decker			

Those who voted in the negative, were

Barkley	Cooke	Pope	Scudder
Beach	Ely	Prince	Willis
Bowen	Hepburn	Roscoe	Witbeck
Burtis	Holmes	Sanford	Wurts
T. C. Campbell	Kennaday	Schenck	Yost
Coffey	O'Keefe		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. W. Miller moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Prince moved to lay the present order of business (third reading of bills) on the table, for the purpose of taking up the special order, being the consideration of the bills entitled as follows:

“An act to authorize the formation of corporations for the purpose of constructing and operating street railroads.”

“An act supplementary to and amendatory of chapter 140 of the Laws of 1850, entitled ‘An act to authorize the formation of railroad corporations, and to regulate the same.’”

“An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages.”

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on said bills.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Farrar, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the bill Int. No. 1060 (same title) substituted therefor, and ordered engrossed and to a third reading.

Mr. Farrar, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. T. C. Campbell, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

Mr. Farrar, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed and to a third reading.

On motion of Mr. Dessar, at 10 o'clock and 35 minutes, the House adjourned.

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## WEDNESDAY, MAY 5, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. G. C. Bancroft, of Troy.

The reading of the journal of yesterday was dispensed with.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

“An act to amend chapter 522 of the Laws of 1860, entitled ‘An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners’ lines,’ passed April 27, 1860,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Petty introduced a bill entitled “An act providing for the election of bay constables in the town of East Hampton, in the county of Suffolk, and to define their duties,” which was



read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Petty, said bill was ordered printed, engrossed and to a third reading.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bill entitled as follows:

"An act to amend chapter 265 of the Laws of 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to provide for the payment of jurors in protracted trials," with a message informing of concurrence in the passage of the same, with the following amendment:

Add as section 2 the following:

"§ 2. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Ely	Lewis	Seward
Barkley	Farrar	Lillybridge	Shattuck
Beach	Friend	McAfee	Sherman
Beardsley	Gallagher	McGowan	Sherwood
Bennett	Gedney	McGroarty	Shiel
Berry	Green	J. W. Miller	Silverman
Bishop	Griffin	Oakley	Smith
Bowen	Hammond	O'Keefe	Speaker
Braman	Hanrahan	Page	Stacy
Broas	Hauschel	Peck	Talmage
Brogan	Hepburn	Petty	G. Taylor
Brown	Hess	Pierson	W. F. Taylor
T. C. Campbell	Hogan	Pope	Tewksbury
T. J. Campbell	Holmes	Prince	Vosburgh
Christopher	Ives	Ransom	Wenzel
Clark	W. A. Johnson	Reilly	West
Comstock	Kirk	Rich	Whitmore
Costigan	Krack	Russell	Willis
Daggett	Lawrence	Schenck	Witbeck
Decker	Lawson	Schuyler	Wurts
Edson			

Those who voted in the negative, were

Badger                      Bradley                      Lincoln

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to regulate the course



of proceedings at the trial on a charge of felony after a previous conviction for felony," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert the following:

"SECTION 1. Hereafter on the trial of any person charged or indicted for felony, after a previous conviction or convictions of that crime, the proceedings shall be as follows: The offender or person indicted shall, in the first instance, be arraigned on so much only of the indictment as charges the subsequent offense, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged in the first instance to inquire concerning such subsequent offense only, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answers that he had been so previously convicted, the court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall, for all purposes, be deemed to extend to such last-mentioned inquiry. Provided that if, upon the trial of any person for any subsequent offense, such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offense or offenses, before such verdict of guilty shall be returned or rendered, and the jury shall inquire concerning such previous conviction or convictions, at the same time that they inquire concerning such subsequent offense."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Law	Schenck
Bailey	Decker	Lawrence	Schieffelin
Beach	Edson	Lawson	Schuyler
Bennett	Ely	Lewis	Sherwood
Berry	Farrar	Lillybridge	Shiel
Bordwell	Faulkner	Lincoln	Silverman
Bowen	Friend	Mackin	Slingerland
Bradley	Godney	McAfee	Smith
Braman	Green	McGowan	Speaker
Broas	Griffin	O'Keefe	Stacy
Brogan	Hammond	Page	Talmage
Brown	Hanrahan	Peck	G. Taylor
T. C. Campbell	Hepburn	Petty	W. F. Taylor
T. J. Campbell	Hess	Pierson	Vosburgh
Christopher	Hinckley	Pope	Waelner
Clark	Holmes	Prince	Wenzel

Comstock  
Costigan  
Daggett

Ives  
Kirk  
Krack

Ransom  
Reilly  
Russell

West  
Willis  
Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the court of oyer and terminer and court of sessions of the county of Kings to sentence prisoners, convicted in said courts of any offense, to the penitentiary of said county for any term for which they might be sentenced to a State prison," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 4, engrossed bill, after the word "prison" insert the words "for a term not exceeding ten years."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Sanford
Barkley	Edson	Lawson	Schenck
Barrow	Ely	Lewis	Schieffelin
Benedict	Farrar	Lillybridge	Schuyler
Bennett	Faulkner	Lincoln	Scudder
Berry	Friend	Mackin	Seward
Bishop	Gallagher	McAfee	Sherwood
Bordwell	Gedney	McGowan	Shiel
Bowen	Green	McGroarty	Silverman
Braman	Griffin	Muller	Smith
Broas	Hammond	Oakley	Speaker
Brogan	Haurahan	O'Keefe	Talmage
Brown	Hauschel	Page	G. Taylor
T. C. Campbell	Hepburn	Peck	W. F. Taylor
T. J. Campbell	Hess	Petty	Tewksbury
Christopher	Hinckley	Pierson	Vosburgh
Clark	Holmes	Pope	Waehner
Coffey	Ives	Prince	Wenzel
Comstock	W. Johnson	Ransom	West
Costigan	W. A. Johnson	Rich	Willis
Daggett	Kirk	Roscoe	Witbeck
Daly	Krack	Russell	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend section 118 of article 8 of chapter 2, title 4, part 3 of the Revised Statutes, in relation to the duties of justices of the peace in actions commenced before them in which they are shown to be material witnesses," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 7, strike out the word "satisfactory." Line 13, after the word "justice" insert the words "shall be satisfied that he is a material witness for the defendant, and that without his testimony the defendant cannot safely proceed to trial and not otherwise be."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 77 }  
 { NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kennaday	Schuyler
Barrow	Ely	Kirk	Scudder
Beach	Farrar	Krack	Seward
Beardsley	Faulkner	Lawrence	Shattuck
Bennett	Fish	Lawson	Sherwood
Bishop	Friend	Lincoln	Shiel
Bordwell	Gallagher	Mackin	Speaker
Braman	Gedney	McAfee	Stauf
Broas	Griffin	McGowan	Talmage
Brogan	Hammond	McGroarty	G. Taylor
Burtis	Hanrahan	J. W. Miller	W. F. Taylor
T. C. Campbell	Hauschel	Page	Vosburgh
T. J. Campbell	Hepburn	Peck	Waehner
Christopher	Hess	Pope	Wenzel
Clark	Hinckley	Prince	West
Comstock	Holmes	Ransom	Whitmore
Costigan	Ives	Roscoe	Willis
Daly	W. Johnson	Russell	Worth
Decker	W. A. Johnson	Schenck	Wurts
Dessar			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 17, after the word "thereof" insert the following: "and shall notify in writing each of the owners or occupants through which such alteration or new road is proposed to be laid, of the time and place of drawing such jury, by personally serving such notice on such owner or occupant at least five days before the drawing of such jury, or by mailing a copy thereof at least eight days before such drawing to such owner or owners, in the manner prescribed by law for the service of legal notices."

Same section, line 45, after the word "thereof" insert the following: "And in case the owner or owners of any of the lands through which said road or alteration is proposed to be located shall be a non-resident, it shall be the duty of such justice to notify such owner or owners by mail at least eight days before the meeting of such jury of the time and place of such meeting."

Same section, line 65, change the word "juror" to "jurors."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same; and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawson	Seward
Barkley	Ely	Lillybridge	Shattuck
Beach	Farrar	Lincoln	Sherwood
Benedict	Faulkner	Mackin	Shiel
Bennett	Fish	McAfee	Speaker
Berry	Friend	McGowan	Stacy
Bordwell	Gallagher	McGroarty	Stephens
Braman	Gedney	J. W. Miller	Struble
Broas	Green	Oakley	Talmage
Burtis	Hanrahan	Page	G. Taylor
T. C. Campbell	Hauschel	Peck	Tewksbury
T. J. Campbell	Hepburn	Petty	Vosburgh
Christopher	Hinckley	Prince	Waehner
Clark	Holmes	Ransom	Wenzel
Cole	Ives	Rich	West
Comstock	W. Johnson	Roscoe	Willis
Costigan	W. A. Johnson	Russell	Witbeck
Daly	Kirk	Schenck	Worth
Decker	Krack	Schieffelin	Wurts
Dessar	Lawrence		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read in the words following:

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act authorizing the city of Buffalo to appropriate the unexpended proceeds of certain bonds of said city, issued in pursuance of the authority contained in chapter 242 of the Laws of 1872."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Laning, said bill was recommitted to the committee on the judiciary and reported back by said committee amended as follows:

Strike out all of section 1 from the word "toward" in line 12 down to and including the word "year" in line 26, and insert in lieu thereof the following: "payment of the subscription of the city of Buffalo to the stock of the Buffalo and Jamestown Railroad Company, for which the common council are authorized to issue the bonds of the said city, and out of the sale and proceeds thereof to pay for the same."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to recon-

sider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lewis	Seward
Beach	Fish	Lillybridge	Shattuck
Benedict	Friend	Lincoln	Sherwood
Bennett	Gallagher	McAfee	Shiel
Bordwell	Gedney	McGowan	Slingerland
Braman	Green	McGroarty	Smith
Broas	Hanrahan	Oakley	Stauf
Burtis	Hauschel	O'Keefe	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hinckley	Peck	W. F. Taylor
Christopher	Holmes	Petty	Tremain
Clark	Hussey	Pierson	Waehner
Comstock	Ives	Prince	Wenzel
Costigan	W. Johnson	Ransom	West
Daggett	W. A. Johnson	Rich	Whitmore
Davis	Kennaday	Russell	Willis
Decker	Kirk	Sanford	Witbeck
Edson	Krack	Schenck	Worth
Ely	Lawrence	Schnyler	Wurts
Farrar	Lawson	Scudder	

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Schenck
Barkley	Decker	Krack	Scudder
Barrow	Dessar	Lawrence	Seward
Beach	Edson	Lawson	Shattuck
Beardsley	Ely	Lillybridge	Sherwood
Benedict	Farrar	Lincoln	Shiel
Bennett	Faulkner	Mackin	Silverman
Berry	Fay	McAfee	Smith
Bordwell	Friend	McGowan	Speaker
Bowen	Gallagher	McGroarty	Stauf
Braman	Gedney	Merwin	Stephens
Broas	Griffin	J. W. Miller	Struble
Brogan	Hammond	Oakley	Talmage
Burtis	Hanrahan	Page	G. Taylor
Calkins	Hauschel	Peck	Tewksbury
T. C. Campbell	Hess	Pierson	Waehner

T. J. Campbell	Hinckley	Pope	Wellington
Christopher	Holmes	Prince	Wenzel
Clark	Hussey	Ransom	West
Coffey	Ives	Reilly	Willis
Cole	W. Johnson	Rich	Witbeck
Costigan	W. A. Johnson	Russell	Worth
Daly	Keenan	Sanford	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate returned the bill entitled "An act to release to Maria Allen the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," with a message informing of concurrence in the passage of the same, with the following amendment :

Section 1, line 20, strike out the word "administrators" and insert the word "assigns."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Barkley	Edson	Lawrence	Shattuck
Barrow	Ely	Lawson	Sherwood
Beardsley	Farrar	Lewis	Shiel
Benedict	Faulkner	Lillybridge	Silverman
Bennett	Fish	Lincoln	Smith
Berry	Friend	Mackin	Speaker
Bishop	Gallagher	McAfee	Stacy
Bordwell	Gedney	McGowan	Stauf
Braman	Green	McGroarty	Stephens
Broas	Griffin	Merwin	Talmage
Brogan	Hammond	J. W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	W. F. Taylor
Calkins	Hauschel	Page	Tewksbury
T. C. Campbell	Hepburn	Peck	Tremain
T. J. Campbell	Hess	Petty	Vedder
Christopher	Hinckley	Pierson	Waehner
Cleary	Holmes	Prince	Wellington
Coffey	Hussey	Ransom	Wenzel
Comstock	Ives	Reilly	West
Costigan	W. Johnson	Russell	Willis
Daggett	W. A. Johnson	Sanford	Witbeck
Daly	Keenan	Schieffelin	Worth
Davis	Kennaday	Schuyler	Wurts
Decker	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 189, entitled "An act authorizing the common council of Binghamton to purchase land for a cemetery," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that they have passed the same.

Mr. Waehner moved to lay the present order of business on the table for the purpose of considering the special order.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

By unanimous consent, Mr. Reilly introduced a bill entitled "An act authorizing marshals of the city of New York to appoint deputies upon proper bonds being given, and to remove them," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Reilly, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Hess introduced a bill entitled "An act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign to the board of education certain property to be used for school purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

By unanimous consent, Mr. Davis introduced a bill entitled "An act to confirm and legalize the acts of Deliverance Rogers as notary public in the county of Washington since March 30, in the year of our Lord 1875," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Davis, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Bordwell introduced a bill entitled "An act to extend (or enlarge) the powers of the trustees of the village of Wilson, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bordwell, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. G. Taylor introduced a bill entitled "An act in relation to the justices of the peace in the towns of Gates, Greece and Irondequoit, in Monroe county, who reside in that part of said towns added to the city of Rochester by chapter 482 of the Session Laws of 1874," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. G. Taylor, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. Slingerland, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Bethlehem Mutual Insurance Association, and for other purposes," and that the same be ordered to a third reading.

On motion of Mr. Krack,

*Resolved* (if the Senate concur), That a respectful message be sent to -



his Excellency the Governor, requesting the return of Assembly bill No. 461, entitled "An act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Bordwell,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 420, entitled "An act in relation to parsonages in certain cases," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent Mr. Stephens introduced a bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1875," which was read the first time; and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

Also, by unanimous consent, a bill entitled "An act to extend the powers of the several boards of supervisors of the counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on general laws.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 5, 1875. }

*To the Assembly :*

I return, without my approval, Assembly bill No. 470 entitled "An act to reorganize the village of Canajoharie."

This bill expressly constituted the inhabitants of a particular territory a body politic and corporate, and is a complete village charter. Although there is at present a municipal corporation covering the same territory and bearing the same name, it seems to me doubtful whether this bill does not contravene the spirit if not the letter of the provision of the Constitution which forbids the passage of a local act incorporating a village.

It differs in many important respects from the present charter, and contains some provisions which seem to me objectionable. I think these changes should not be made without the approval of the electors of the village, to whom, as I am informed, the bill has never been submitted.

SAMUEL J. TILDEN.

On motion of Mr. Schenck, said message was laid on the table.

On motion of Mr. G. Taylor, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the Senate bill entitled "An act to fix the fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association in said city," and that the same be ordered to a third reading.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Green, Int. No. 965, entitled "An act to repeal section 10 of chapter 398 of the Laws of 1872," reported in

favor of the passage of the same, with amendments, and the title amended so as to read "An act to repeal section 10 of chapter 398 of the Laws of 1872, entitled 'An act to incorporate the Batavia Literary Association, and appropriating certain money thereto,'" which report was agreed to.

On motion of Mr. Green, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Prince, Int. No. 1037, entitled "An act to amend chapter 40 of the Laws of 1872, entitled 'An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water, and supplementary thereto,'" reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Bradley, Int. No. 183, entitled "An act to legalize and confirm the proceedings of the incorporation of the village of Canisteo, in the county of Steuben, and the election of the officers therein," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Pierson, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Bradley, Int. No. 192, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Pierson, and by unanimous consent, said bill was ordered to a third reading.

The Senate returned the bill entitled "An act in relation to the Hudson River State Hospital for the Insane at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, the Buffalo State Asylum for the Insane," with a message informing of concurrence in the amendments of the Assembly thereto.

*Ordered,* That the Clerk return said bill to the Senate.

The Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866, passed February 17, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Schuyler
Barrow	Farrar	Lawrence	Seward
Beardsley	Faulkner	Lawson	Shattuck

Benedict	Fay	Lillybridge	Sherman
Bennett	Friend	Lincoln	Sherwood
Berry	Gallagher	Mackin	Shiel
Bordwell	Gedney	McAfee	Slingerland
Braman	Griffin	McGowan	Smith
Broas	Hammond	McGroarty	Stacy
Brogan	Hanrahan	J. W. Miller	Stephens
Burtis	Hauschel	Oakley	Talmage
Calkins	Hess	Page	G. Taylor
T. C. Campbell	Hinckley	Peck	W. F. Taylor
T. J. Campbell	Hogan	Petty	Tremain
Christopher	Holmes	Pierson	Vosburgh
Clark	Ives	Pope	Waehner
Comstock	W. Johnson	Ransom	Wenzel
Costigan	W. A. Johnson	Rich	Whitmore
Daly	Kennaday	Roscoe	Witbeck
Decker	Kirk	Sanford	Worth
Dessar	Krack	Schieffelin	Wurts
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act revising and amending an act entitled An act to incorporate the village of Ulster,' passed April 10, 1855, as amended by chapter 847 of the Laws of 1866, passed April 28, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schenck
Barkley	Edson	Krack	Schuyler
Barrow	Ely	Law	Seward
Beardsley	Farrar	Lawrence	Shattuck
Benedict	Faulkner	Lawson	Sherwood
Bennett	Fay	Lillybridge	Shiel
Berry	Fish	Lincoln	Silverman
Bordwell	Friend	Mackin	Smith
Braman	Gallagher	McAfee	Speaker
Broas	Gedney	McGowan	Stephens
Brown	Hammond	McGroarty	Struble
Burtis	Hanrahan	J. W. Miller	W. F. Taylor
Calkins	Hauschel	Muller	Tewksbury
T. C. Campbell	Hess	O'Keefe	Tremain
T. J. Campbell	Hinckley	Page	Vosburgh
Christopher	Hogan	Petty	Wellington
Cleary	Holmes	Pierson	Wenzel
Comstock	Hussey	Prince	Whitmore
Costigan	Ives	Ransom	Willis

Daggett	W. Johnson	Roscoe	Witbeck
Daly	W. A. Johnson	Russell	Worth
Davis	Kennaday	Sanford	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to confirm and legalize certain acts of the common council of the city of Elmira," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schiëffelin
Barkley	Edson	Krack	Scudder
Beach	Ely	Law	Seward
Beardsley	Farrar	Lawrence	Sherman
Benedict	Faulkner	Lawson	Shiel
Berry	Fish	Lillybridge	Silverman
Bordwell	Friend	Lincoln	Smith
Braman	Gallagher	McAfee	Speaker
Broas	Gedney	McGowan	Stauf
Brogan	Griffin	McGroarty	Stephens
Burtis	Hanrahan	J. W. Miller	Talmage
Calkins	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	Page	Vosburgh
T. J. Campbell	Hinckley	Peck	Waehner
Christopher	Hogan	Petty	Wenzel
Clark	Holmes	Pierson	West
Comstock	Husted	Prince	Willis
Costigan	Ives	Ransom	Witbeck
Daggett	W. Johnson	Roscoe	Worth
Daly	W. A. Johnson	Russell	Wurts
Decker	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act authorizing the improvement of Delaware street in the city of Buffalo," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Schuyler
Barkley	Farrar	Krack	Seward

Beach	Faulkner	Law	Shattuck
Beardsley	Fay	Lawrence	Sherwood
Bennett	Fish	Lewis	Silverman
Berry	Friend	Lincoln	Slingerland
Bishop	Gallagher	Mackin	Speaker
Bordwell	Gedney	McGowan	Stacy
Braman	Griffin	McGroarty	Stephens
Broas	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hepburn	Page	W. F. Taylor
T. C. Campbell	Hess	Peck	Tremain
T. J. Campbell	Hinckley	Pierson	Vosburgh
Christopher	Hogan	Pope	Waehner
Clark	Holmes	Prince	Wenzel
Comstock	Hussey	Ransom	West
Costigan	Husted	Roscoe	Whitmore
Daggett	Ives	Russell	Willis
Daly	W. Johnson	Sanford	Witbeck
Decker	W. A. Johnson	Schenck	Worth
Edson	Kennaday	Schieffelin	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to release the interest which the State of New York may have acquired to the real estate of which John Smith died seized to his widow, Mary Newman," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Farrar	Law	Scudder
Barrow	Faulkner	Lawrence	Seward
Beach	Fay	Lawson	Shattuck
Benedict	Fish	Lewis	Shiel
Bennett	Friend	Lillybridge	Silverman
Berry	Gallagher	Lincoln	Slingerland
Bordwell	Gedney	Mackin	Smith
Braman	Green	McAfee	Speaker
Brogan	Griffin	McGowan	Stauf
Brown	Hammond	McGroarty	Stephens
Burtis	Hanrahan	J. W. Miller	Struble
Calkins	Hepburn	Oakley	Talmage
T. C. Campbell	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hinckley	Peck	Tewksbury
Christopher	Hogan	Petty	Tremain
Clark	Holmes	Pope	Vosburgh
Comstock	Hussey	Prince	Waehner
Costigan	Husted	Ransom	Wenzel
Daggett	Ives	Rich	West
Daly	W. Johnson	Russell	Willis

Decker	W. A. Johnson	Sanford	Witbeck
Dessar	Kennaday	Schenck	Worth
Edson	Kirk	Schieffelin	Wurts
Ely	Krack		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the construction and maintenance of two additional public baths in the city of New York," being announced for a third reading,

On motion of Mr. Hauschel, and by unanimous consent, said bill was amended as follows :

Make section 2 section 3, and insert as section 2 the following :

"§ 2. The sum appropriated as hereinbefore directed shall be inserted and included in the annual tax levy, raised and collected by tax upon the property subject to taxation in the city and county of New York, and paid by the comptroller of said city upon the certificate of the commissioner of public works.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Russell
Barrow	Dessar	Keenan	Schenck
Beach	Edson	Kirk	Scudder
Benedict	Ely	Krack	Seward
Bennett	Farrar	Law	Sherwood
Berry	Faulkner	Lawrence	Silverman
Bordwell	Fay	Lawson	Smith
Bowen	Friend	Lincoln	Speaker
Braman	Gallagher	Mackin	Stephens
Broas	Gedney	McAfee	Struble
Brown	Hammond	McGowan	Talmage
Burtis	Hauschel	McGroarty	Tewksbury
Calkins	Hepburn	Merwin	Vosburgh
T. C. Campbell	Hess	O'Keefe	Waehner
T. J. Campbell	Hinckley	Page	Wenzel
Christopher	Hogan	Petty	Whitmore
Clark	Holmes	Pierson	Willis
Comstock	Hussey	Prince	Witbeck
Costigan	Ives	Ransom	Worth
Daly	W. Johnson	Roscoe	Wurts
Davis			

For the negative,

Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the village of Port Henry, in Essex county, to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Barkley	Ely	Law	Scudder
Beach	Farrar	Lawrence	Seward
Beardsley	Faulkner	Lewis	Shiel
Benedict	Fay	Lincoln	Silverman
Berry	Fish	Mackin	Slingerland
Bishop	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Stauf
Braman	Griffin	McGroarty	Stephens
Brown	Hammond	J. W. Miller	Talmage
Burtis	Hanrahan	Muller	G. Taylor
Calkins	Hauschel	Oakley	Tewksbury
T. C. Campbell	Hess	Petty	Tremain
T. J. Campbell	Hinckley	Pierson	Vosburgh
Christopher	Holmes	Prince	Wellington
Clark	Hussey	Ransom	Wenzel
Comstock	Husted	Reilly	West
Costigan	Ives	Rich	Willis
Daggett	W. Johnson	Russell	Witbeck
Daly	W. A. Johnson	Sanford	Worth
Davis	Kennaday	Schieffelin	Wurts
Decker	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act in relation to orphan asylum societies at Brooklyn,' passed March 7, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Schieffelin
Barrow	Farrar	Krack	Scudder
Beach	Faulkner	Law	Seward



Benedict	Fay	Lawrence	Shattuck
Bennett	Fish	Lewis	Sherwood
Berry	Friend	Lincoln	Shiel
Bordwell	Gallagher	Mackin	Silverman
Braman	Gedney	McAfee	Smith
Broas	Griffin	McGowan	Stacy
Brogan	Hammond	McGroarty	Stephens
Brown	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hinckley	Peck	Vosburgh
T. J. Campbell	Holmes	Pierson	Waehner
Christopher	Hussey	Pope	Wenzel
Clark	Husted	Ransom	West
Cole	Ives	Reilly	Willis
Costigan	W. Johnson	Roscoe	Witbeck
Daly	W. A. Johnson	Sanford	Worth
Davis	Kennaday	Schenck	Wurts
Edson			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize the board of supervisors of Kings county to construct a suitable building for a work-house at the penitentiary, and to provide for the payment thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schenck
Barkley	Dessar	Law	Schuyler
Beach	Edson	Lawrence	Scudder
Beardsley	Ely	Lewis	Shattuck
Benedict	Farrar	Lillybridge	Sherwood
Berry	Faulkner	Lincoln	Silverman
Bishop	Fay	Mackin	Smith
Bordwell	Fish	McAfee	Speaker
Braman	Friend	McGowan	Stauf
Brogan	Gallagher	McGroarty	Talmage
Burtis	Green	J. W. Miller	G. Taylor
Calkins	Hanrahan	Oakley	Tewksbury
T. C. Campbell	Hauschel	Page	Vedder
T. J. Campbell	Hess	Petty	Vosburgh
Christopher	Hinckley	Pierson	Waehner
Clark	W. Johnson	Ransom	Wenzel
Comstock	Keenan	Reilly	Willis
Costigan	Kennaday	Rich	Witbeck
Daly	Kirk	Roscoe	Wurts

Those who voted in the negative, were

Barrow                      Gedney

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 66 }  
{ NOES 20 }

Those who voted in the affirmative, were

Alvord	Costigan	Houghton	Page
Barkley	Daly	Ives	Peck
Barrow	Decker	W. A. Johnson	Pierson
Beach	Dessar	Kirk	Prince
Beardsley	Ely	Krack	Ransom
Bennett	Farrar	Kshinka	Rich
Berry	Faulkner	Lawrence	Scudder
Bishop	Fay	Lawson	Seward
Bordwell	Fish	Lewis	Sherwood
Bowen	Friend	Lincoln	Shiel
Braman	Gallagher	McAfee	Speaker
Broas	Hanrahan	McGowan	Vedder
Brown	Hauschel	McGroarty	Wellington
T. C. Campbell	Hess	J. W. Miller	Whitmore
T. J. Campbell	Hinckley	Muller	Witbeck
Christopher	Hogan	Oakley	Yost
Cleary	Holmes		

Those who voted in the negative, were

Bradley	Edson	O'Keefe	Schieffelin
Burtis	Green	Petty	Schuyler
Clark	Keenan	Roscoe	Silverman
Coffey	Kennaday	Russell	Willis
Davis	Lillybridge	Sanford	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Decker	W. Johnson	Rich
Barrow	Dessar	W. A. Johnson	Schenck
Beach	Edson	Keenan	Schuyler
Beardsley	Ely	Kennaday	Shattuck
Benedict	Farrar	Kirk	Sherman
Berry	Faulkner	Krack	Sherwood
Bishop	Fay	Law	Shiel
Bordwell	Fish	Lawrence	Smith
Braman	Friend	Lawson	Stauf
Broas	Gallagher	Lewis	Stephens
Brown	Gedney	Lincoln	Talmage
Burtis	Griffin	Mackin	G. Taylor
Calkins	Hanrahan	McAfee	Vedder
T. C. Campbell	Hauschel,	McGowan	Vosburgh
T. J. Campbell	Hepburn	McGroarty	Wenzel
Christopher	Hinckley	J. W. Miller	Willis
Clark	Hogan	Oakley	Witbeck
Comstock	Holmes	Pierson	Wurts
Costigan	Hussey	Ransom	Yost
Daly	Ives .		

Those who voted in the negative, were

Bradley                      O'Keefe

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kennaday	Schenck
Barrow	Ely	Kirk	Schuyler
Beach	Farrar	Krack	Scudder
Benedict	Faulkner	Law	Shattuck
Bennett	Fay	Lawson	Sherwood
Berry	Fish	Lillybridge	Shiel
Bishop	Friend	Lincoln	Silverman
Bordwell	Gallagher	Mackin	Smith
Braman	Gedney	McAfee	Stauf
Brogan	Griffin	McGowan	Stephens

Brown	Hanrahan	McGroarty	Talmage
Calkins	Hauschel	J. W. Miller	G. Taylor
T. C. Campbell	Hess	Oakley	Vedder
T. J. Campbell	Hinckley	Page	Vosburgh
Christopher	Hogan	Peck	Waehner
Clark	Holmes	Petty	Wenzel
Coffey	Houghton	Pope	Whitmore
Comstock	Hussey	Prince	Willis
Costigan	Ives	Ransom	Witbeck
Daly	W. Johnson	Rich	Wurts
Decker	W. A. Johnson	Roscoe	Yost
Dessar	Keenan		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to define and limit the liens of contractors, laborers and others upon real estate in the city and county of New York," being announced for a third reading,

By unanimous consent, on motion of Mr. McGowan, said bill was amended as follows :

Section 4, after the word "preferred," in line 2, strike out the words "to the lien of any judgment against the owner of the property, also."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Rich
Barkley	Dessar	Kennaday	Schenck
Beach	Edson	Kirk	Scudder
Beardsley	Ely	Krack	Shattuck
Benedict	Farrar	Lay	Sherman
Bennett	Faulkner	Lawrence	Shiel
Berry	Fish	Lawson	Smith
Bordwell	Friend	Lillybridge	Stauf
Braman	Gallagher	Lincoln	Talmage
Broas	Gedney	Mackin	G. Taylor
Brown	Griffin	McAfee	Vedder
Burtis	Hanrahan	McGowan	Vosburgh
Calkins	Hauschel	McGroarty	Waehner
T. C. Campbell	Hepburn	J. W. Miller	Wenzel
T. J. Campbell	Hinckley	Oakley	Whitmore
Christopher	Hogan	Page	Willis
Clark	Holmes	Petty	Witbeck
Comstock	Hussey	Pierson	Wurts
Costigan	Ives	Pope	Yost
Daly	W. Johnson	Ransom	

For the negative,

Schieffelin

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act relating to free instruction in drawing," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Scudder
Barkley	Ely	Law	Seward
Barrow	Farrar	Lawrence	Sherwood
Beardsley	Faulkner	Lillybridge	Silverman
Bennett	Fish	Lincoln	Slingerland
Berry	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Speaker
Braman	Green	McGroarty	Stauf
Brogan	Griffin	J. W. Miller	Talmage
Burtis	Hanrahan	Muller	Tremain
Calkins	Hauschel	Oakley	Vedder
T. C. Campbell	Hepburn	O'Keefe	Waehner
T. J. Campbell	Hinckley	Petty	Wenzel
Christopher	Holmes	Pierson	Whitmore
Clark	Hussey	Ransom	Willis
Cleary	Ives	Reilly	Witbeck
Cole	Keenan	Rich	Worth
Costigan	Kennaday	Sanford	Wurts
Daly	Kirk	Schenck	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act supplementary to chapter 55 of the Laws of 1861, entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861, and to provide for the future custody of said hall," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Barkley	Edson	Law	Seward
Beach	Ely	Lawrence	Shattuck

Beardsley	Farrar	Lawson	Sherwood
Bennett	Faulkner	Lillybridge	Speaker
Berry	Fish	Lincoln	Stacy
Bordwell	Friend	Mackin	Stephens
Bradley	Gallagher	McGowan	Talmage
Brogan	Griffin	McGroarty	G. Taylor
Brown	Hammond	J. W. Milier	Tewksbury
Burtis	Hanrahan	Oakley	Vedder
Calkins	Hess	Page	Vosburgh
T. C. Campbell	Hinckley	Petty	Waehner
T. J. Campbell	Hogan	Pierson	Wenzel
Christopher	Holmes	Prince	West
Clark	Ives	Ransom	Willis
Costigan	W. Johnson	Rich	Witbeck
Daggett	Keenan	Roscoe	Worth
Daly	Kennaday	Schenck	Wurts
Davis	Kirk	Schieffelin	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to prevent the commission of frauds in the purchase and sale of real estate in the counties of New York and Kings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Roscoe
Barkley	Davis	W. A. Johnson	Sanford
Beach	Dessar	Kennaday	Schenck
Beardsley	Edson	Kirk	Schuyler
Benedict	Ely	Krack	Seward
Bennett	Farrar	Law	Shattuck
Berry	Faulkner	Lawrence	Shiel
Bordwell	Fish	Lillybridge	Stacy
Bradley	Friend	Lincoln	Stauf
Braman	Gedney	Mackin	Talmage
Broas	Griffin	McGowan	G. Taylor
Brogan	Hanrahan	McGroarty	Vedder
Calkins	Hauschel	J. W. Miller	Vosburgh
T. C. Campbell	Hepburn	Muller	Waehner
T. J. Campbell	Hess	O'Keefe	Wenzel
Christopher	Hinckley	Peck	Willis
Clark	Holmes	Petty	Witbeck
Comstock	Hussey	Pope	Wurts
Costigan	Ives	Ransom	Yost

Those who voted in the negative, were

Burtis                      Prince

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children charged with offenses, and held for trial, and also for the detention of all persons held as witnesses," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 9 }

Those who voted in the affirmative, were

Alvord	Cleary	Houghton	Scudder
Barrow	Comstock	Hussey	Shattuck
Beach	Costigan	Husted	Sherman
Beardsley	Daggett	Ives	Shiel
Benedict	Daly	W. A. Johnson	Silverman
Bennett	Decker	Keenan	Smith
Berry	Dessar	Kshinka	Speaker
Bordwell	Edson	Lewis	Stacy
Bradley	Ely	Lillybridge	Stephens
Braman	Farrar	McGroarty	G. Taylor
Brogan	Friend	Muller	W. F. Taylor
Brown	Gallagher	Page	Vedder
Calkins	Green	Petty	Vosburgh
T. C. Campbell	Hanrahan	Prince	Wellington
T. J. Campbell	Hinckley	Ransom	West
Christopher	Hogan	Roscoe	Witbeck
Clark	Holmes	Schieffelin	Wurts

Those who voted in the negative, were

Barkley	Lawrence	Oakley	Sanford
Fay	Lincoln	Peck	Willis
Law			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany Reservations in this State,' passed November 15, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Schuyler
Barkley	Edson	Kirk	Seward



Barrow	Ely	Krack	Sherman
Beardsley	Farrar	Lawrence	Sherwood
Benedict	Faulkner	Lawson	Shiel
Bennett	Fish	Lillybridge	Smith
Berry	Friend	Lincoln	Speaker
Bordwell	Gallagher	McAfee	Stauf
Bradley	Green	McGowan	Talmage
Braman	Griffin	McGroarty	G. Taylor
Brogan	Hanrahan	J. W. Miller	W. F. Taylor
Burtis	Hepburn	Oakley	Vedder
Calkins	Hess	Page	Vosburgh
T. C. Campbell	Hinckley	Petty	Wellington
T. J. Campbell	Hogan	Pierson	West
Christopher	Holmes	Ransom	Whitmore
Clark	Houghton	Rich	Willis
Cleary	Hussey	Roscoe	Witbeck
Cole	Ives	Russell	Worth
Costigan	W. Johnson	Schenck	Wurts
Daly	W. A. Johnson	Schieffelin	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 100 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schuyler
Barkley	Ely	Law	Scudder
Beach	Farrar	Lawrence	Seward
Beardsley	Faulkner	Lawson	Shattuck
Benedict	Fay	Lewis	Sherman
Bennett	Fish	Lincoln	Shiel
Berry	Friend	Mackin	Silverman
Bordwell	Gallagher	McAfee	Smith
Bradley	Gedney	McGowan	Speaker
Braman	Green	McGroarty	Stacy
Brogan	Griffin	J. W. Miller	Stauf
Brown	Hanrahan	Muller	Stephens
Burtis	Hepburn	Oakley	Talmage
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Page	W. F. Taylor
T. J. Campbell	Hogan	Peck	Vedder
Christopher	Holmes	Petty	Vosburgh
Clark	Houghton	Pierson	Waehner
Cleary	Hussey	Prince	Wenzel

Cole	Husted	Ransom	West
Costigan	Ives	Reilly	Willis
Daggett	W. Johnson	Rich	Witbeck
Daly	W. A. Johnson	Roscoe	Worth
Decker	Keenan	Russell	Wurts
Dessar	Kirk	Schenck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, in relation to disorderly persons," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Sanford
Barkley	Edson	Kirk	Schenck
Beach	Ely	Krack	Schuyler
Beardsley	Farrar	Law	Scudder
Benedict	Faulkner	Lawrence	Shattuck
Bennett	Fay	Lawson	Sherman
Berry	Fish	Lillybridge	Shiel
Bordwell	Friend	Lincoln	Smith
Bradley	Gallagher	Mackin	Speaker
Braman	Green	McGowan	Stauf
Brogan	Griffin	McGroarty	Stephens
Burtis	Hanrahan	J. W. Miller	Talmage
Calkins	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	Tremain
T. J. Campbell	Hinckley	Peck	Vedder
Christopher	Hogan	Pierson	Vosburgh
Clark	Holmes	Pope	Wenzel
Cleary	Hussey	Prince	Whitmore
Comstock	Ives	Ransom	Worth
Costigan	W. Johnson	Rich	Wurts
Daly	W. A. Johnson	Roscoe	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to relieve premises of one person erroneously assessed and taxed in and with the premises of another," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Schieffelin
Barkley	Ely	Lawrence	Schuyler
Beach	Farrar	Lawson	Seward
Beardsley	Faulkner	Lewis	Sherman
Benedict	Fish	Lincoln	Sherwood
Berry	Friend	Mackin	Shiel
Bordwell	Gallagher	McAfee	Smith
Bradley	Griffin	McGowan	Speaker
Braman	Hanrahan	McGroarty	Stephens
Burtis	Hauschel	J. W. Miller	Talmage
Calkins	Hess	Muller	G. Taylor
T. C. Campbell	Hinckley	O'Keefe	Tewksbury
T. J. Campbell	Hogan	Peck	Vedder
Christopher	Holmes	Petty	Vosburgh
Clark	Hussey	Pope	Wellington
Cleary	Ives	Prince	Wenzel
Cole	W. Johnson	Ransom	Whitmore
Costigan	W. A. Johnson	Rich	Willis
Daggett	Kennaday	Russell	Wurts
Daly	Kirk	Sanford	Yost
Decker	Krack	Schenck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daggett	Keenan	Schuyler
Barkley	Daly	Kirk	Scudder
Barrow	Decker	Krack	Shattuck
Beardsley	Dessar	Law	Sherman
Benedict	Edson	Lawrence	Shiel
Bennett	Ely	Lewis	Silverman
Berry	Faulkner	Lillybridge	Smith
Bordwell	Fish	Lincoln	Stacy
Bradley	Friend	McAfee	Stephens
Braman	Gallagher	McGowan	Talmage
Brogan	Green	McGroarty	G. Taylor
Brown	Hammond	J. W. Miller	W. F. Taylor
Burtis	Hanrahan	Muller	Tremain

Calkins	Hepburn	O'Keefe	Vosburgh
T. C. Campbell	Hess	Page	Waehner
T. J. Campbell	Hogan	Pierson	Wenzel
Christopher	Holmes	Ransom	Whitmore
Clark	Hussey	Rich	Willis
Cleary	Ives	Roscoe	Witbeck
Coffey	W. Johnson	Russell	Wurts
Cole	W. A. Johnson	Schenck	Yost
Costigan			

For the negative,

Peck

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for and regulate the mode of admission of attorneys and counselors coming from the courts of other States to practice in the courts of this State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Roscoe
Barkley	Decker	W. A. Johnson	Schenck
Beach	Dessar	Kennaday	Schieffelin
Beardsley	Edson	Kirk	Seward
Benedict	Ely	Krack	Sherman
Bennett	Faulkner	Law	Sherwood
Berry	Fay	Lawrence	Silverman
Bordwell	Fish	Lawson	Speaker
Bradley	Friend	Lillybridge	Stauf
Braman	Gallagher	Lincoln	Stephens
Broas	Gedney	Mackin	G. Taylor
Burtis	Haminond	McGowan	Fewksbury
Calkins	Hanrahan	McGroarty	Tremain
T. C. Campbell	Hauschel	J. W. Miller	Vosburgh
T. J. Campbell	Hepburn	Oakley	Wellington
Christopher	Hinckley	Peck	Wenzel
Clark	Hogan	Petty	Whitmore
Cleary	Holmes	Pope	Willis
Cole	Hussey	Ransom	Wurts
Costigan	Husted	Rich	

For the negative,

Comstock

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relating to the term of office of clerk of the commission of appeals," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative,

a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schenck
Barkley	Ely	Krack	Schieffelin
Beach	Farrar	Law	Schuyler
Benedict	Faulkner	Lawrence	Seward
Bennett	Fish	Lawson	Sherman
Berry	Friend	Lillybridge	Shiel
Bordwell	Gallagher	Lincoln	Smith
Bradley	Green	McAfee	Speaker
Braman	Griffin	McGowan	Stacy
Brogan	Hanrahan	McGroarty	Stephens
Brown	Hepburn	J. W. Miller	G. Taylor
Calkins	Hess	Muller	Tremain
T. C. Campbell	Hinckley	O'Keefe	Vosburgh
T. J. Campbell	Hogan	Peck	Waehner
Christopher	Holmes	Pierson	Wenzel
Clark	Houghton	Pope	Whitmore
Cleary	Ives	Ransom	Witbeck
Cole	W. Johnson	Rich	Wurts
Daly	W. A. Johnson	Russell	Yost
Dessar	Kennaday		

For the negative,

Costigan

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend the act entitled 'An act to provide for supplying the city of Hudson with pure and wholesome water,' passed May 7, 1873," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kennaday	Shattuck
Barkley	Daly	Kirk	Sherman
Beach	Davis	Krack	Shiel
Beardsley	Decker	Law	Smith
Benedict	Edson	Lawrence	Stacy
Bennett	Ely	Lewis	Stephens
Bishop	Farrar	Lincoln	Struble
Bordwell	Faulkner	Maekin	Talmage
Bradley	Fish	McGowan	G. Taylor
Braman	Gallagher	McGroarty	W. F. Taylor

Brogan	Griffin	J. W. Miller	Tremain
Burtis	Hanrahan	Oakley	Vedder
Calkins	Hauschel	Page	Waehner
T. C. Campbell	Hess	Petty	Wellington
T. J. Campbell	Hinckley	Prince	West
Christopher	Holmes	Ransom	Willis
Clark	Hussey	Rich	Witbeck
Coffey	Ives	Schenck	Worth
Cole	W. Johnson	Schuyler	Wurts
Cooke	Keenan	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate returned the bill entitled "An act to prevent injury to animals in the city of New York," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 5, after the word "animal" insert the words "except upon switches, curves and turn-table railways."

The amendment having been read,

Mr. Waehner moved that said bill be referred to the committee on the judiciary.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 58 {  
{ NOES 40 {

Those who voted in the affirmative, were

Alvord	Costigan	Krack	Russell
Barkley	Daggett	Lawrence	Schenck
Bennett	Faulkner	Lawson	Souder
Berry	Fay	Lewis	Shattuck
Bordwell	Fish	Lillybridge	Silverman
Braman	Gallagher	Lincoln	Slingerland
Broas	Gedney	McGroarty	Smith
Brogan	Green	J. W. Miller	Stephens
Brown	Hanrahan	O'Keefe	Vedder
T. J. Campbell	Hauschel	Page	Vosburgh
Clark	Houghton	Peck	Waehner
Cleary	W. Johnson	Pierson	Wenzel
Coffey	Keenan	Ransom	Witbeck
Cole	Kennaday	Reilly	Worth
Comstock	Kirk		

Those who voted in the negative, were

Barrow	Farrar	Law	Sherman
Beach	Griffin	McAfee	Stacy
Benedict	Hammond	Muller	G. Taylor
Bishop	Hepburn	Petty	W. F. Taylor
Bowen	Hess	Pope	Tewksbury
T. C. Campbell	Hogan	Roscoe	West
Daly	Holmes	Sanford	Whitmore

Decker	Hussey	Schieffelin	Willis
Edson	Ives	Schuyler	Wurts
Ely	Kshinka	Seward	Yost

Mr. Shattuck offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the vote by which the Senate bill No. 262, entitled "An act to legalize certain acts of the common council of the city of Elmira," was passed, be reconsidered, and the bill be committed to the committee on the judiciary, retaining its place on third reading of bills.

Debate was had thereon, when

Mr. Husted raised the point of order that the bill having passed the House, and having gone out of its control, the resolution is out of order.

Mr. Speaker decided the point of order well taken.

The bill entitled "An act to establish police and fire departments in the city of Utica, and place the same under the direction of the mayor of said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kraak	Soudder
Barkley	Ely	Lawrence	Shattuck
Beach	Farrar	Lewis	Sherman
Benedict	Faulkner	Lincoln	Shiel
Bennett	Fish	Mackin	Silverman
Berry	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Speaker
Bradley	Green	McGroarty	Stacy
Braman	Griffin	J. W. Miller	Stauf
Broas	Hammond	Oakley	Talmage
Brown	Hanrahan	O'Keefe	G. Taylor
T. C. Campbell	Hauschel	Page	W. F. Taylor
T. J. Campbell	Hepburn	Petty	Tremain
Christopher	Hess	Pierson	Vedder
Clark	Hinckley	Pope	Vosburgh
Cleary	Hogan	Ransom	Waehner
Cole	Holmes	Reilly	West
Comstock	Ives	Rich	Whitmore
Costigan	W. Johnson	Roscoe	Witbeck
Daly	W. A. Johnson	Russell	Worth
Decker	Kennaday	Schenck	Wurts
Dessar	Kirk	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the benevolent fund of the late volunteer fire department of the late town of Morrisania, now the twenty-third ward of the city of New York," being announced for a third reading,



On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows:

Section 1, line 3, engrossed bill, change the word "McCarthy" to "McCarty." Line 4, change the word "Glicks" to "Geicks." Line 5, change the word "Edward" to "Edmund."

Section 2, page 2, strike out all after the words "elected by," in line 18, down to and including the word "York," in line 21, and insert in lieu thereof the words "corporation created by this act."

Section 6, page 4, line 1, strike out all after the word "the" down to and including the whole of line 3, and insert in lieu thereof the words "said corporation shall have."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

AYES 86  
NOES 00

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Barkley	Edson	Law	Shattuck
Beach	Ely	Lawrence	Sherman
Beardsley	Farrar	Lillybridge	Sherwood
Benedict	Faulkner	Lincoln	Smith
Bennett	Friend	Mackin	Speaker
Berry	Gallagher	McAfee	Stauf
Bordwell	Gedney	McGowan	Stephens
Bowen	Griffin	McGroarty	Talmage
Braman	Hammond	J. W. Miller	G. Taylor
Brogan	Hanrahan	Oakley	Tewksbury
Brown	Hess	Page	Tremain
Burtis	Hinckley	Peck	Vedder
T. C. Campbell	Hogan	Pierson	Waehner
T. J. Campbell	Houghton	Prince	Wellington
Christopher	Hussey	Ransom	West
Cleary	Ives	Rich	Whitmore
Cole	W. Johnson	Roscoe	Willis
Comstock	Keenan	Russell	Witbeck
Costigan	Kennaday	Schieffelin	Wurts
Daly	Kirk	Schuyler	Yost
Davis	Krack		

Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the bill introduced by Mr. Hanrahan, Int. No. 448, entitled "An act in relation to the street railroad companies in the city of Buffalo," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

The bill entitled "An act to further amend the charter of the village of Delhi," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Soudder
Barkley	Decker	Kirk	Shattuck
Barrow	Edson	Krack	Sherwood
Beach	Ely	Law	Shiel
Benedict	Farrar	Lawrence	Slingerland
Bennett	Faulkner	Lewis	Smith
Berry	Fay	Lincoln	Speaker
Bordwell	Fish	McAfee	Stephens
Bradley	Friend	McGowan	Talmage
Braman	Gedney	McGroarty	G. Taylor
Brogan	Griffin	J. W. Miller	Tremain
Brown	Hammond	Oakley	Vedder
Burtis	Hauschel	O'Keefe	Waehner
Calkins	Hess	Peck	Wellington
T. J. Campbell	Hinokley	Petty	Wenzel
Christopher	Hogan	Pope	West
Clark	Holmes	Ransom	Whitmore
Cleary	Hussey	Rich	Willis
Cole	Ives	Roscoe	Witbeck
Costigan	W. Johnson	Schenck	Wurts
Daggett	Keenan	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Sherman moved that there be a session this evening at 7½ o'clock, and that the same be devoted to the consideration of general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Schenck
Barrow	Dessar	Krack	Schuyler
Beach	Edson	Law	Soudder
Benedict	Ely	Lawrence	Shattuck

Bennett	Faulkner	Lawson	Sherman
Berry	Fay	Lillybridge	Shiel
Bordwell	Fish	Lincoln	Smith
Bradley	Friend	McAfee	Speaker
Braman	Gedney	McGowan	Stauf
Brogan	Green	McGroarty	Stephens
Brown	Hammond	J. W. Miller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	Page	Tremain
T. C. Campbell	Hess	Petty	Vedder
T. J. Campbell	Hinckley	Prince	Waehner
Christopher	Houghton	Ransom	Wenzel
Cleary	Ives	Reilly	Whitmore
Cole	W. Johnson	Rich	Witbeck
Comstock	Keenan	Roscoe	Wurts
Costigan	Kennaday	Russell	Yost
Daly			

For the negative,

Hogan

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Brogan, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to establish police and fire departments in the city of Utica, and place the same under the direction of the mayor of said city."

"An act regulating the erection and maintenance of fire-escapes upon certain buildings, and for the better security of life in case of fire."

"An act supplemental to chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to amend section 6 of an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act to amend and consolidate the several acts relating to the city of Elmira."

The bill entitled "An act to amend and consolidate the several acts relating to the city of Elmira," being announced for a third reading,

On motion of Mr. Alvord, and by unanimous consent, said bill was amended as follows:

Page 2, line 27, after the word "street" insert the words "and the line thereof continued."

Page 5, line 4, strike out the words "one city clerk." Line 6, after the word "years" insert the words "city clerk one," and strike out all after the word "surveyor" down to and including the word "years," in line 8.

Page 7, line 9, after the word "act" strike out the words "except justices of the peace and recorder," and after the word "election," line 10, insert the words "except justices of the peace and recorder."

Page 9, line 34, after the word "actions" strike out the words "of any such instrument," and insert the words "upon such undertakings which may be forfeited."

Page 13, line 28, strike out the word "board" and insert the words "common council."

Page 18, line 9, strike out the word "board" and insert the word "council." Line 10, strike out the word "them" and insert "him."

Page 19, line 14, strike out the word "two" and insert the word "one," and strike out the word "daily," in same line.

Page 21, line 17, strike out the word "means" and insert the word "measures." Line 20, after the word "such" insert the words "orders, resolutions or ordinances."

Page 27, line 27, after the word "shall" insert the words "within ten days after being duly notified." Line 29, strike out the words "and to account for all moneys which may pass through his hands." Line 32, strike out all after the word "direct" down to and including the word "same," and insert the words "and to account for all moneys which may pass through his hands."

Page 29, line 28, strike out the word "council" and insert the words "police commissioners."

Page 30, line 25, strike out the word "weekly" and insert the words "at its regular meetings, or oftener if required." Line 33, after the word "under" insert the word "the," and after the word "penalty" insert the words "of the," and strike out the word "or."

Page 33, line 20, after the word "which" insert the word "the." Line 22, strike out the word "should" and insert the word "shall."

Page 42, line 5, strike out the words "if their names are upon the assessment roll of said city."

Page 43, line 36, strike out the words "by publishing the same."

Page 51, line 1, strike out the word "eleventh" and insert the word "sixty first." Line 4, strike out the word "twelve" and insert the word "sixty-two."

Page 53, line 1, strike out the word "village" and insert the word "city." Line 8, strike out the word "village" and insert "city."

Page 59, line 20, strike out the word "collector" and insert the word "chamberlain."

Page 63, line 5, after the word "collected" insert the words "and said chamberlain."

Page 71, insert in place of section 93 and subdivisions 1, 2 and 3, pages 56, 57 and 58, the following :

"§ 93. On the written petition of a majority in number and in feet frontage of the owners of the real estate adjoining or fronting on any of the streets or highways of said city, the common council shall have the power to cause said streets or highways and gutters therein to be paved with stone or other suitable material, the kind of such pavement and material to be specified in such petition, and shall have the power, without such petition, to macadamize or gravel said streets, highways or gutters, and regulate the grade and slope thereof, and build and maintain suitable crosswalks thereon; to set and lay suitable curb-stones on or along the sides thereof, and proper drains or sewers to be made and constructed in and along any of said streets or highways, and to repave and repair any of said streets, highways or crosswalks, reset and relay any of said curb-stones, and rebuild and repair any of said drains and sewers, whenever said common council shall deem it necessary. Whenever the common council shall intend to make and construct any of said drains or sewers exceeding twenty rods in length, they shall, before ordering the same, cause a notice of such intention to be published for two weeks successively in the official newspaper of said city, stating the time when and the place where said council will meet to act thereupon.

At such meeting or at such adjourned or subsequent meeting as they shall order said hearing to be had, they shall hear such reasons as shall be given by or on behalf of all persons interested therein, and previous to said hearing they may, if deemed necessary, cause a survey and map of the proposed improvement to be made, which they shall have at said meeting for the inspection of persons interested therein. Before ordering such improvement to be made, the said common council may, if deemed necessary by them, cause a notice to be published in said official newspaper, that on a certain day therein specified, at least two weeks after the publication thereof, sealed proposals for making said improvements and doing said work, with bonds for the faithful performance thereof, will be received by the mayor upon the day mentioned in such notice, or such other time as said common council may prescribe, the mayor shall, in the presence of said common council, open such sealed proposals, and the most favorable thereof may be accepted by them. No proposal shall be considered which shall not be accompanied by a bond with sureties, and a penalty to be approved by said common council, conditioned that if the proposal be accepted the person making the same will construct the work and make such improvements, at the price and upon the terms proposed and according to the plans and specifications adopted by said council, and the same shall be subject to the approval and supervision of such person or persons as they may designate for that purpose, and alike subject to the approval of said common council. The said common council may order the said work to be done and the said improvement to be made by a vote of two-thirds of the aldermen in office, by an order which shall be entered in the minutes of their proceedings, and the expenses thereof shall be assessed in the manner following: First, in case the work to be done or improvement to be made shall be the paving of any of said streets, highways or gutters, or the repaving or repairing the same, or setting, resetting or repairing any of said curb-stones, any and all expenses incurred in and about the same, with the interest thereon at the rate of seven per cent, shall be assessed against the owners of premises adjoining or fronting on any of the said streets or highways, and shall be a lien on said premises in the same manner as taxes duly imposed by this act in said city, from the time said expenses shall be incurred, and a charge and claim against the owners thereof, which may be collected by action or by warrant or sale of the premises, in the same manner as is provided in sections 56 and 57 of this act, and the provisions of said sections, so far as they are applicable hereto, are hereby adopted and made a part thereof, and for the purpose of ascertaining the proportionate shares of such expenses to be paid by each of such owners or said city, the same proceedings shall be had as is provided in sections 82 to 91 inclusive, of this act, so far as the same are applicable except as hereinafter provided. Second, in case the work to be done or improvement to be made is the building or constructing of any drain or sewer, or the rebuilding or repairing thereof separate from any other work, the expenses thereof shall be borne by said city, and the same shall be assessed and collected as other taxes therein. Third, the common council may direct the repaving or repairing of any of said streets, highways or gutters so paved as aforesaid, or the resetting or relaying of any of said curb-stones, or the rebuilding or repairing of any of said drains or sewers when and wherever it shall be necessary, and when, in its opinion, the same cannot be judiciously let upon contract, and determine and assess the expenses of repaving or

repairing any of said streets, highways or gutters, or the resetting or relaying any of said curb-stones against the owners of premises adjoining or fronting on any of said streets or highways as is provided in section 79 of this act, so far as the same is applicable. After an order is passed for paving a street in which a sewer, water or gas mains are placed, and before such paving is laid, the owners of property on said street shall be required, after due notice by the common council, to make service connections with said sewer, of such size and dimensions as ordered by said council, to lay pipes connecting with water and gas mains, and in case they shall neglect to do so, the city may put in said pipes and make such connections extending to the sidewalk, the expenses of which shall be a lien upon the property upon and in front of which such improvement is made, and collected in the same manner as for the pavement."

Page 76, line 7, after the word "village" insert the words "or city."

Page 78, lines 8 and 9, strike out the words "six of the city charter" and insert the words "seven of this act." Line 18, strike out after the word "section" the word "twenty-five" and insert the words "one hundred."

Page 78, line 21, strike out all after the word "section" down to and including the word "four" in line 24, and insert the words "seventy of this act."

Page 80, line 25, strike out "Sutherland Dewitt and Peter Biggs" and insert "Meleam L. Muller and Thomas J. Lormore."

Page 81, line 6, after the word "member" insert the word "shall."

Pages 81 and 82, strike out the word "elect one of their number," and insert after the word "shall" the words "appoint a," and after the word "thereof" insert the words "and fix his salary."

Page 82, line 30, after the word "mayor" strike out the words "or recorder."

Page 89, line 14, after the word "mayor" strike out the words "whose duty," and after the word "be" insert the words "his duty."

Page 91, line 20, strike out the word "twelve" and insert the word "eighteen."

Page 92, line 29, after the word "thereof" insert the words "and said mayor or recorder."

Page 100, line 33, after the word "chamberlain" insert the words "taking from such bank or banks a bond to the city of Elmira, with such sureties and in such form as shall be approved by the mayor and common council, as security for such deposits."

Page 108, line 2, strike out the words "Woodlawn cemetery" and insert the word "cemeteries." Line 8, strike out the words "Woodlawn cemetery" and insert the words "the cemeteries owned by the city." Line 22, strike out the words "Woodlawn cemetery" and insert the word "cemeteries."

Page 109, lines 1 and 2, strike out the words "Woodlawn cemetery" and insert the words "the cemeteries." Line 27, strike out the words "Woodlawn cemetery" and insert the words "the cemeteries."

Page 120, line 7, after the word "six" insert the words "but nothing in this act contained shall change, alter or interfere with the term of office of any person then holding office under any law relating to the city of Elmira."

Mr. Burtis moved to recommit said bill to the committee on affairs of cities with instructions to amend as follows: Page 21, line 13, strike



out after the word "force" down to and including the word "thereof," in line 20, and to report the same back forthwith.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Costigan	W. Johnson	Rich
Barkley	Daly	Keenan	Roscoe
Beach	Dessar	Kennaday	Schenck
Beardsley	Edson	Kirk	Schuyler
Benedict	Ely	Krack	Sherman
Bennett	Farrar	Law	Sherwood
Berry	Faulkner	Lawrence	Silverman
Bishop	Fay	Lewis	Smith
Bordwell	Fish	Lincoln	Speaker
Bradley	Friend	Mackin	Stauf
Braman	Gallagher	McAfee	Stephens
Broas	Gedney	McGowan	G. Taylor
Brogan	Green	McGroarty	Tewksbury
Burtis	Hammond	J. W. Miller	Vedder
Calkins	Hanrahan	Oakley	Vosburgh
T. C. Campbell	Hauschel	O'Keefe	Wellington
T. J. Campbell	Hess	Peck	Wenzel
Christopher	Hinckley	Petty	Whitmore
Clark	Hogan	Pierson	Willis
Cleary	Holmes	Prince	Witbeck
Cole	Houghton	Ransom	Worth
Comstock	Ives	Reilly	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Faulkner, from the joint committee to investigate the canal frauds, submitted the following report:

*Resolved*, (if the Senate concur), That there be appointed a joint committee of three in the Senate (to be appointed by the President of the Senate), and three in the House (to be appointed by the Speaker), to investigate and examine into the question of fraud or collusion between the State officers and the contractors in reference to the letting or prosecution of any contracts for work upon the canals, now in force or finished, and the whole subject connected with the performance thereof, and all awards made by canal appraisers; and that the said committee be empowered to employ counsel and a stenographer, and also have power to send for persons and papers; and that said committee be at liberty to report partially at any time, but shall be required to report in full within thirty days.

By order.

HIRAM CALKINS,  
*Clerk of the Assembly.*

By order.

HENRY A. GLIDDEN,  
*Clerk of the Senate.*



In accordance with the requirements of the foregoing resolution, the joint committee of the Senate and Assembly, appointed under its provisions, respectfully submit the following report :

The joint committee met and organized on the fifth day of April, 1875, and having employed the Hon. Henry Smith and Rufus W. Peckham, Esq., of Albany, as counsel, and Mr. W. Tanner as stenographer, J. N. Mills as clerk and G. Martinez as messenger, proceeded to the investigation and examination of the subject described in the resolution. Frequent sessions have been held, and, up to this date, a considerable number of witnesses have been examined, whose testimony, hereto appended, is submitted in full.

As your committee was limited in time, the first question that presented itself was in regard to the plan and scope of the inquiry that should be made. After a general consultation it seemed to be the most practicable to take up the contracts numbered in the message of his excellency, the Governor, from one to ten inclusive, and to examine into the facts and circumstances attending their execution, and the manner of conducting and the character of the work constructed under them. Such an investigation involved an inquiry into the actual or supposed necessity for the work ; how the estimated quantities of work and materials to be done and performed were arrived at ; the character of the work obtained ; the method by which a strict performance of the contract, by the contractor, was obtained on the part of the agents of the state ; the plan upon which the contractor is paid as the work progresses, and the manner in which monthly estimates of work done are made ; the manner in which changes of plan are accomplished, of work let under the contract, and at whose instance and for whose benefit such changes of plan were adopted. All these were subjects of inquiry naturally suggested by an investigation into the general facts surrounding the contracts already alluded to. Of course it will be seen that to accomplish all that has been above set forth, in the short space of thirty days, was a total impossibility. Your committee have worked faithfully day and night, and in order to go as far as possible upon the inquiry already alluded to, they were compelled to leave untouched many sources of information, and to dismiss from the stand many witnesses, after an examination in regard to their knowledge of the contracts in question, when a more general plan of examination and inquiry would have led to a more extended investigation into the knowledge of such witnesses upon other and perhaps, equally important, matters. To have done so, however, would have been to so injure the plan which your committee first adopted, and to detract from the first inquiry even that amount of thoroughness which your committee has been enabled to give to it. The testimony taken is herewith submitted, and also a very brief history of the contracts already alluded to. The testimony will show that a perfectly thorough and exhaustive inquiry, even into the facts and circumstances of those ten contracts has not yet been achieved. Your committee has not yet had an opportunity to call all the witnesses of the class of engineers and contractors who have been connected with those ten contracts, and are now engaged in examining the different contractors connected with such contracts and have not yet had time to complete such examination. The examination of those members of the canal board who are connected in any way with those contracts and their history has not been, as yet, attempted, any further than to call the canal commissioners in charge

of the division on which the work covered by some of the contracts was located, and also two former state engineers. The same reason of a want of time has prevented your committee making any inquiry whatever into the subject of canal awards, or canal damages, which was referred to us by the same resolution. Any inquiry we could have made into that subject would, of necessity, have been so circumscribed as to have produced no beneficial results whatever.

Your committee are satisfied, from the results of their inquiry thus far, that it must be regarded as only the beginning of that more extended and exhaustive inquiry which should follow it. The system of letting and prosecuting contracts for work upon the canals, is one full of grave defects, giving opportunities for numerous and varied deceptions and frauds—opportunities that designing men have not hesitated to embrace. In the brief time allowed, it would probably be impossible to make even a catalogue in detail of the frauds which the testimony indicates, in addition to those which it seems to conclusively prove. Such facts as have been ascertained, however, will be useful in pointing the way for further investigation, as well as in showing some of the legislative measures which are advisable and necessary.

Many of the evils shown by the testimony could not have occurred if existing laws had been observed and the public officers had faithfully discharged their duties under them; and others appear to have been the direct result of special legislation as to particular subjects, which doubtless had inception in the action of parties interested.

A brief description of the mode of prosecuting what are called "extraordinary repairs," upon the line of the canals will best illustrate the defects of the system.

Some specific piece of work is needed—perhaps the building of a lock, perhaps the enlargement, improvement or repair of a section of the canal. Boatmen, forwarders and residents of the vicinity have called attention to the subject, and canal officers certify to its necessity. The legislative committees accordingly report in favor of an appropriation for it, and the bill, after more or less discussion and often some reduction of the amount, is duly enacted, approved and becomes a law. Generally this appropriation is for less than the desired work will actually cost, but it is accepted by all concerned as being as much as the legislature will consent to vote at once.

The next step is a preliminary estimate. The canal commissioner in whose division the locality is situate, directs the division engineer to make one. He, or one of his assistants, examines and measures the ground, and prepares an estimate of the quantities of material and labor, with the approximate prices of each. If he is honest and capable, it is prepared with care and exactness. If he is negligent or dishonest, he makes it carelessly, and often in collusion with and for the benefit of some of the persons who are intending to bid for the contract. But in either case, this estimate is not for the whole of the contemplated enterprise. It is only for so much material and labor as the legislative appropriation will cover.

This estimate is exhibited at the division engineer's office, in order to invite sealed proposals for the work. Such proposals are advertised for in the newspapers. A large number are received, and at the close of three weeks, the board of three canal commissioners meet to open and examine the bids and award the contracts.

But of these three commissioners, only one is familiar with or feels any especial interest or responsibility in the matter. It is left almost wholly to the commissioner in charge, who practically makes the award, and afterward has entire supervision of the work. His two associates give their formal assent and affix their signatures, but do not seem to give the matter such attention as to enable them to preserve any distinct remembrance of its details.

The first bid that is opened usually reveals the fact that the person making it offers to furnish materials and labor at prices varying greatly from the engineer's estimate, and very disproportionate to their actual value. Some of the prices are exceedingly high, while others are excessively low. Thus, for instance, he will offer to do the specified amount of rock excavation at a few cents per cubic yard, while for the same amount of earth excavation, he bids a dollar or more. Like incongruities appear in his prices for slope and vertical walls, bailing and draining, lining, puddling, hemlock and oak timber, spikes and nails. Nevertheless, when the whole is added up, it appears that the amount which the state is to pay for the various items, will be less than the engineer had estimated. In other words, the bid, though what is called an "unbalanced" one, seems on its face a low one, and therefore advantageous to the state.

When the other bids are opened, all or nearly all are found to have a similar character. All are more or less "unbalanced." And those which are least so, are the ones which are regarded as having the fatal defect of requiring the state to pay a higher price in the aggregate for the desired work.

The canal commissioners argue that the constitution of the state says: "All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance." They say that if they reject the lowest bidder on the ground that his proposal is "unbalanced," and, therefore, opens a door for contingent or possible fraud, they must also reject, on the same ground, the next bid, and the next, and the next. They say that if they award the contract to a bidder whose prices, though better balanced, are higher in the aggregate, they violate the constitutional provision. Further they add, that if they reject and throw out all these bids, and re-advertise for new ones, they may get none better, and they will lose three weeks of valuable time.

Under these circumstances, and entertaining these views, the course they have usually pursued (as it appears by the evidence) has been, either upon their own judgment, or by the advice of counsel learned in the law, to decide to award the contract in conformity with what they deem the letter of the constitution, to the bidder whose aggregate bid seems the lowest.

And this action is taken, notwithstanding they have already announced in their published notice that unbalanced bids will be rejected. So far as appears by the testimony, there is hardly a case upon record where any effort has been made, by refusing such bids, to secure new ones, better balanced and more honest.

Now commences the work upon the canal itself. The contractor, with his force of employees, prosecutes it under the direction of the engineers and the supervision of the commissioner in charge. Each month the resident engineer makes measurements of what has been

done, and reports quantities and amounts. His monthly estimates are filed in his office, and his final accounts in the office of the auditor, who pays to the contractor the sums thus shown to be due.

As the work proceeds, it usually becomes evident that the contractor's unbalanced bid was based either upon very long experience and familiarity with the ground, or upon collusion with the engineer. It turns out that there is less of that kind of work to be done, for which he bids low prices, than the original estimate had contemplated. On the other hand, there is more of that kind of that work for which his prices were high. Consequently, the amount he receives, in the aggregate, is considerably more than the footing either of the estimate or the bid.

Sometimes, it is true, the reverse happens, and his unbalanced bid subjects him to loss. In that case he usually appeals to the canal board to cancel his contract, on the ground that its terms have proved "unjust and oppressive;" or he applies to the legislature for an act giving him "relief," in the shape of more money, on the plea that he has encountered "unexpected difficulties." As a general rule, however, the contract is found sufficiently profitable to warrant him in continuing the work as long as the appropriation holds out, and even longer.

And here comes in one of the worst and most defective features of the system. The original appropriation having proved insufficient the legislature is applied to for another "to continue the work." When this is obtained, it is assumed to have also continued the contract. The work goes on and the money is expended, not under any new letting, but under the old one. And this process is repeated with successive appropriations, during successive years, until the contractor has performed far more work than was originally estimated for, and has received double, triple, quadruple, perhaps even ten times the amount of his original bid. It is here that the unbalanced items of his bid prove most profitable. The engineer was limited in his estimate to the amount of the first appropriation; but the contractor, having had faith from the outset that more work would be needed, and more appropriations made, had regulated his scale of high and low prices to the coming requirements of the future work. Here he reaps his harvest, and his profits are commensurate to the skill with which he has made his calculations.

What warrant of law there is for this extraordinary stretching of a contract in order to enable its holder to have the benefit of subsequent appropriations, your committee have been unable to discover. It does not appear from the evidence. It only appears that it is a long standing custom, meeting, doubtless, with the general approval of contractors, and apparently of canal officers. How, when, or where so grossly improper and unjust a usage began, is not clearly explained.

Nor is this the only undue advantage obtained by the contractor at the expense of the state. Not unfrequently changes are made by the canal board in the plans and specifications for the work. These changes are all made upon the assumption that they are improvements in the character of the work, and will involve no unreasonable expense, since they are to be paid for at the contracted rates. Nevertheless, the fact appears undeniable that nearly every one of such changes has resulted in increased profit to the contractor, and loss to the state. The changes are rarely in the direction of the items bid for at cheap

rates, but usually in the direction of those for which the highest prices will have to be paid.

Such is the working of the present system, even when both the canal officers and canal contractors are assumed to be exact in their accounts and just in their measurements. Now, when it is also remembered that, as the evidence shows, there are negligent, incompetent and dishonest persons in both those classes, it will readily be seen what opportunities there are for collusion and fraud under a system so lax, loose and radically defective.

The limited extent of our inquiry has not enabled us to enter into much detail in suggesting legislation, but the mere recital of the working of the system shows wherein lie some of the chief faults that are immediately remediable.

*First.* The legislature itself cannot be held blameless in the past, and it will be especially blameworthy in the future, if it shall continue to make appropriations for continuing contracts beyond their stipulated terms, or for payment of acts not done in accordance with law.

*Second.* The engineering force on the canals, comprising division, resident and assistant engineers should all be placed under some one responsible head, vested with the power of appointment and removal, and responsible for any acts of malfeasance or collusion that may then occur in that department.

*Third.* The canal commissioners should be forbidden by law to make any such misreading of the constitution as to suppose that it requires their acceptance of unbalanced bids, framed for the very purpose of evading its provisions. Every unbalanced bid carries upon its face evidence of an intent to deceive. It is a device to obtain the award under the pretense of offering the lowest price, while in reality it seeks to obtain payment at the highest. The character of the bids that may be accepted as conforming to the true meaning of the constitution may and should be defined by legislative enactment.

*Fourth.* Every contract should be for a definite and specific amount of materials and labor. When its terms are complied with and payment is made, the contract should be closed. Any continuance of the work to which it applied should be made the basis of a new letting. The pretense that a contract may be extended and expanded through successive years to cover successive operations, should be at once summarily terminated by law.

*Fifth.* The canal board should be prohibited from transferring any fund appropriated for one purpose to any other or different one.

*Sixth.* The estimates preliminary to the letting of a contract and the quantity sheet prepared in contemplation of the work should not be disclosed so that they can become known to bidders until the contract for the work is executed. There should be exhibited only a list of the kinds of work and material required.

*Seventh.* The deposit required from bidders as a security that they will enter into a contract, if it is awarded to them, is excessive. Its tendency is to confine the competition to a "ring" by excluding those of more limited means.

Finally, the changes made in the laws for the administration of canal affairs should be in the direction of increased accountability on the part of canal officers. Under the present system there is no adequate means of preventing, detecting, or correcting abuses. Responsibility is divided and subdivided into so many fragments as to be



often practically lost. The officers of the canals have no common head — no responsibility to any common authority, no common interest in the joint performance of their respective duties. Those who are appointed, are appointed by and responsible to different state officers. Those who are elected, are elected at different periods, representing different phases of public opinion, and are amenable to the people at different and distant dates. No public enterprise can hope to prove successful that is not definitely organized under some known and responsible head.

These suggestions, some of which are already anticipated in bills now under discussion in the legislature, are respectfully submitted for its consideration.

DAN H. COLE,  
JAMES M. BOOTH,  
JOHN C. JACOBS,  
JAMES FAULKNER, JR.,  
RICHARD M. SHERMAN,  
FREDERICK W. SEWARD.

Mr. Alvord moved to lay said report upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The reading of said report having been commenced,

On motion of Mr. Waehner, the further reading was dispensed with, and the same laid on the table and ordered printed forthwith.

(See Doc. No. 152.)

By unanimous consent, Mr. Houghton introduced a bill entitled "An act to authorize the commissioners of highways of the town of Saratoga Springs to build a sidewalk along Union avenue in said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Houghton, and by unanimous consent said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. T. C. Campbell offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That the joint committee of the Senate and Assembly, appointed pursuant to joint resolution to investigate and examine into the question of fraud or collusion between the State officers and contractors, in reference to the letting or prosecution of any contracts for work upon the canals now in force or finished, be directed to hold joint sessions during the recess of the Legislature, for the purpose of continuing and completing the investigation directed to be made by said joint resolution and report to the next Legislature, and that said committee be empowered to employ counsel, a stenographer, clerk and messenger, and also have power to send for persons and papers during said time.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

On motion of Mr. Waehner, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 359, entitled "An act to authorize the board of commissioners of emigration to mortgage the

lands of the State on Ward's Island, and to extinguish the liabilities against the said board," and that the same be ordered to a third reading.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Bradley, Int. No. 113, entitled "An act to amend an act entitled 'An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of 1873, passed June 28, 1873," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Bradley, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Kennaday, Int. No. 1009, entitled "An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Burtis, Int. No. 1071, entitled "An act to provide for the opening and improving of Lewis, avenue in the city of Brooklyn," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hauschel, Int. No. 1014, entitled "An act to amend chapter 582 of the Laws of 1872, entitled 'An act to incorporate the Union Stock Yard and Market Company,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the slaughtering and converting of animals into articles of merchandise and commerce in the city of New York," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Daly, Int. No. 608, entitled "An act to require telegraph companies to run their wires underground," reported adversely thereto.

Mr. Daly dissented from said report.

Mr. T. C. Campbell moved to disagree with said report, and that the same be referred to the committee of the whole.

Debate was had thereon, when

Mr. Alvord moved that the whole matter lie on the table.

The ayes and noes being called for by ten members,

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the negative.

} AYES 11 {  
} NOES 68 {

Those who voted in the affirmative, were

Alvord	Christopher	Hussey	Seward
Braman	Comstock	Page	Willis
T. J. Campbell	Hinckley	Prince	

Those who voted in the negative, were

Barkley	Dessar	W. Johnson	Reilly
Beach	Edson	W. A. Johnson	Roscoe



**MAY 5.]**

**1891.**

Beardsley	Ely	Keenan	Russell
Benedict	Fay	Kennaday	Schieffelin
Berry	Friend	Kirk	Schuyler
Bishop	Gallagher	Krack	Scudder
Broas	Gedney	Kshinka	Schuyler
Brogan	Green	Law	Sherwood
Brown	Griffin	Lawson	Shiel
Burtis	Hammond	Lewis	Smith
T. C. Campbell	Hanrahan	Lincoln	Stephens
Clark	Hauschel	McAfee	G. Taylor
Coffey	Hess	McGowan	Tewksbury
Cole	Hogan	Muller	Vedder
Costigan	Holmes	O'Keefe	Wenzel
Daly	Houghton	Pope	Whitmore
Decker	Ives	Ransom	Witbeck

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock.

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### HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to legalize the action of the electors of the town of Fort Covington, in the county of Franklin."

"An act to amend chapter 541 of the Laws of 1871, entitled 'An act to incorporate the city of Newburgh, also to amend chapter 551 of the Laws of 1872, entitled An act to amend an act entitled An act to incorporate the city of Newburgh.'"

"An act to legalize the official acts of Milo S. Day, a justice of the peace of the town of Harford, Cortland county."

"An act to amend chapter 729 of the Laws of 1871, entitled 'An act authorizing the board of supervisors of the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county.'"

"An act to amend chapter 610 of Laws of 1874, entitled 'An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

"An act to extend the time for the completion of the act to authorize the construction of a railroad from at or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer."

"An act to authorize the board of trustees of the village of Athens, in the county of Greene, to permit gas pipes to be laid in the streets of said village."

"An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company, for the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke.'"

"An act to extend the time for the organization of the Central Trust Company of New York."

"An act relative to the International Trust Company of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bill entitled as follows:

"An act to amend chapter 321 of the Laws of 1873, entitled 'An act to amend an act entitled An act to incorporate the Eighth Ward Savings Bank of the city of New York, passed March 22, 1871, and to change its name to Fifth Avenue Savings Bank,' passed April 29, 1873."

The Senate returned the bills entitled as follows:

"An act to conform the charters of all savings banks to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

"An act to provide for the payment of jurors in protracted trials."

"An act to amend section 118 of article 8 of chapter 2, title 4, part 3 of the Revised Statutes, in relation to the duties of justices of the peace in actions commenced before them in which they are shown to be material witnesses."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, and also to repeal the act to establish a capital police district and to provide for the government thereof, passed April 22, 1865, and the several acts amendatory thereof, in so far as they relate to the city of Albany."

"An act for the incorporation of societies or clubs for certain lawful purposes."

"An act to amend chapter 324 of the Laws of 1871, entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York.'"

"An act to amend chapter 181 of the Laws of 1872, entitled 'An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto.'"

*Ordered*, That the Clerk return said bills to the Senate.

Mr. Hanrahan, from the sub-committee of the whole, presented a report in writing; which was laid on the table and ordered printed.

(See Doc No. 154.)

On motion of Mr. Sherman, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act making an appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish," and the same ordered engrossed and to a third reading.

By unanimous consent, Mr. Schenck introduced a bill entitled "An act to amend an act entitled 'An act to create a board of excise in the several towns of this State,' passed May 4, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Hammond introduced a bill entitled "An act in relation to a public square in the village of Manchester, Ontario

county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to water companies."

"An act for the better regulation of railroad companies, and to protect the rights of minority stockholders."

"An act to authorize the Regents of the University to institute certain examinations, and in regard to conferring degrees."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. McGowan, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. McGowan, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments, and the title amended so as to read "An act for the better regulation of railroad companies, and the election of the officers of the same;" which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. McGowan, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments, and the title amended so as to read "An act to authorize the Regents of the University to establish examinations, as to attainments in learning;" which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Schenck offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the bill entitled "An act to repeal an act in relation to the inspection of steam boilers," be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to suppress intemperance and to regulate the sale of intoxicating liquors."

"An act to suppress intemperance and to regulate the sale of intoxicating liquors."

"An act to repeal sections 6, 8, 9, 10, 11, 12, 13 and 15, and the preamble of chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868; also chapter 282 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the drainage of marsh lands,' passed April 22, 1869, and for the repayment to said Marsh Land Company of moneys paid by them into the treasury of the State, in pursuance of said chapter 864 of the Laws of 1868."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Oakley, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Waehner moved that the committee of the whole be discharged from the further consideration of said bill, and that the same

be recommitted to the committee on internal affairs, with instructions to strike out all after the enacting clause and insert the following, and report forthwith :

" SECTION 1. There shall be elected at the annual town meeting in the several towns of this State, in the same manner as other town officers are elected, three commissioners of excise, who shall compose the board of excise of their respective towns. Neither of said commissioners, while acting as such, shall hold the office of supervisor, justice of the peace, town clerk or president or trustee of any incorporated village. Each of said commissioners shall be entitled to receive compensation at the rate of three dollars per day while in session as the board of excise, which shall be a town charge, except in the counties where the moneys received by said board are paid into the county treasury as hereinafter provided, when the same shall be a county charge. The commissioners elected by virtue of chapter 444 of the Laws of 1874, shall hold their respective offices until the next annual town meeting in their respective towns, and until their successors are duly qualified. Vacancies occurring in said boards from any cause shall be filled by appointment by the supervisor and justices of the peace of said towns, or a majority of them, until the next annual town meeting, when such vacancy shall be filled by an election as herein provided.

" § 2. In the several incorporated cities of this State the mayors of said cities shall, at least ten days before the expiration of the terms of office of the several excise commissioners therein, nominate three good and responsible citizens to the board of aldermen of such cities, who shall reject or confirm the same. In case of rejection of such nominee or any of them, the mayor shall nominate other citizens, and shall continue to nominate until the nomination shall be confirmed, and said citizens so nominated and confirmed shall be the board of excise within said cities.

" § 3. The salaries of commissioners of excise shall be fixed in the several cities of this State by the common council thereof, and their terms of office shall be two years. In cities the commissioners of excise shall, before entering upon their duties as such boards, execute a good and sufficient bond in an amount fixed by the common council and approved by the treasurer or chamberlain of the city to pay over all moneys received by said boards, within ten days after they shall have been received, as hereinafter provided. The bonds of town boards of excise shall be filed with the town clerks, and of cities with the chamberlain or treasurer thereof.

" § 4. The commissioners of excise shall meet in their respective cities and towns on the first Monday of May in each year, and on such other days as a majority of the commissioners shall appoint, not exceeding one in each month, in any year, in any town, for the purpose of granting licenses as provided by law. In cities they shall meet on the first Monday of each month and as often as they shall deem necessary. All licenses granted under the provisions of this act shall expire at the end of one year from the time they shall be granted.

" § 5. The board of excise in any city or town shall have the power to grant licenses to any person or persons of good moral character, who shall be approved by them, permitting him or them to sell and dispose of, at any one named place within such city or town, strong or spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be carried away from or drunk upon the premises of the person so licensed, upon receiving a license fee to be fixed in their discretion, and

which shall not be less than thirty dollars nor more than one hundred dollars in any town, and not less than thirty nor more than two hundred and fifty dollars in any city. But no license shall be granted to any person who proposes to keep an inn, tavern or hotel, unless the commissioner shall be satisfied that the applicant is not only of good moral character, but that he has sufficient ability to keep an inn, tavern or hotel, and the necessary accommodations to entertain travelers, and that an inn, tavern or hotel is required for the actual accommodation of travelers at the place where such applicant resides or proposes to keep the same. License shall only be granted on written application to said board, signed by the applicant or applicants, specifying the place for which license is asked, and the name or names of the applicant or applicants, and of every person interested or to be interested in the business, to authorize which the license shall be used, all of which shall be expressly stated in such license; such license shall be kept posted by the person or persons licensed in a conspicuous place in the room or place where his or their sales are made, and shall be exhibited at all times by the person or persons so licensed, and by all persons acting under such license upon the order of any judge issued and delivered for that purpose to every sheriff, officer, constable or member of police; any omission so to display, and any refusal to exhibit such license, after the production and service of a copy of such order upon such person or persons, shall be presumptive evidence that such person or persons has and have no license. The commissioners of excise in any city or town may also, in their discretion, grant licenses for the sale of ale and beer only, for a sum not less than ten dollars nor more than fifty dollars; also to druggists for medicinal, mechanical and sacramental purposes only, any kind of liquor to be carried away and used elsewhere than on the premises where sold, for a license fee of not less than thirty dollars nor more than one hundred and fifty dollars.

“§ 6. No license shall be granted under the provisions of this act until the applicant or applicants shall have executed and delivered to the commissioners of excise herein created, a bond in the penal sum of at least two hundred and fifty dollars, with sufficient surety, who shall justify in the sum of double the penalty of said bond, conditioned that such applicant or applicants, during the time for which said license was granted, shall not suffer the place designated therein to be disorderly, or suffer any gambling, or keep a gambling table of any description in such place, or in any out-house, yard or garden belonging thereon, which bond shall be duly filed in the county clerk's office; and said board of excise shall bring an action and prosecute the same to judgment, in their names as commissioners, in any court having jurisdiction for any and all branches thereof; and shall pay the amount so recovered and collected by them, either to the overseer of the poor of the town, the county treasurer or city treasury, to be disposed of as herein provided for the application of penalties recovered.

“§ 7. Any conviction for the violation of any of the provisions of this act by any person or persons licensed as herein provided, shall forfeit and annul such license. The board of excise of any city or town may, at any time, upon the complaint in writing specifying the grounds thereof, summon before them any person or persons licensed as aforesaid, a copy of which charges shall then be served upon such person or persons, and he or they shall have the right to be heard in his or their defense. And if the said commissioners shall become satisfied, after



such hearing, and upon legal proof adduced before them that any such person or persons has or have violated any of the provisions of this act, they shall have power to revoke, cancel and annul the license granted to such person or persons, which action shall be entered in the book of minutes hereinafter provided to be kept by said commissioners. Upon such inquiry the said board or the party complained of may summon, and the said board issued subpoenas for the attendance of witnesses before them, and examine them under oath, and in case persons shall refuse to obey said subpoenas may apply to any judge of a court of record to compel obedience thereto.

"§ 8. Persons not licensed may keep and, in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wines, ale and beer, provided that no part thereof shall be drunk or used in the building, garden or inclosure communicating with, or in any public place contiguous to, the building in which the same be so kept, disposed of or sold.

"§ 9. The said boards of exercise shall keep a book of minutes, which shall be a complete record of all their proceedings, in which shall be entered every resolution passed by them granting a license to any person, with the names of all persons licensed, a statement of the place licensed, the license fee paid and imposed in each case. Said minutes or record shall be verified by their signatures, and filed in the county clerk's office of their respective counties, and shall be open to inspection at all times during business hours, whether the same be filed as aforesaid or in the office of the commissioners of excise, a copy of which may be taken by any person.

"§ 10. The commissioners to be elected for the several towns under this act shall not, in any case, appoint a clerk of the board of excise. In cities the commissioners appointed under the provisions of this act may appoint a clerk, whose salary shall be fixed by the common council of said cities, to be paid out of moneys which shall be appropriated for that purpose; the commissioners to be elected or appointed under this act shall receive no compensation or emolument for their services as such commissioners other than as provided herein. The expenses of procuring books and necessary blanks in any town or city, when actually incurred, shall be audited and paid in like manner as other city and town charges.

"§ 11. All moneys received by the commissioners of any county for any license granted or recovered by or paid to them for any violation of the bond herein required to be executed to them, shall, after the same is paid over to them, be disposed of as follows: In those counties where the support of the poor is a county charge the said moneys shall be paid into the county treasury, subject to the control of the board of supervisors, and in all cities said moneys shall be paid into the city treasury, subject to the control of the common council, and in all counties where the support of the poor is a town charge, all moneys received by said board of excise for licenses granted or penalties incurred by the inhabitants of such town shall be paid to the overseer of the poor of said town.

"§ 12. Licenses granted as in this act provided shall not authorize any person or persons to expose for sale, to sell, give away or dispose of any strong or spirituous liquors, wines, ale or beer, on any day between the hours of one and five o'clock in the morning, and all places licensed as aforesaid shall be closed and kept closed between the hours aforesaid. Nothing herein contained shall be construed to prevent inns, taverns or

hotels from receiving and entertaining travelers at any time, subject to the restrictions contained in this act.

"§ 13. Every keeper of an inn, tavern or hotel in any of the towns of this State shall provide suitable accommodations for his guests; he shall keep in his house at least three spare beds, with good and sufficient bedding; shall provide good and sufficient stabling and provender of hay and grain in the winter, and hay and pasturage in the summer, for the horses and cattle of his guests; and every keeper of such inn, tavern or hotel in any of said towns licensed under this act shall, within thirty days after obtaining his license, put up a proper sign on or adjacent to the front of his house, with his name thereon, indicating that he keeps an inn, tavern or hotel, and he shall keep up such sign during the time that he keeps an inn, tavern or hotel. For every neglect to keep up such sign he shall forfeit ten dollars for the use of the poor, and every keeper of an inn, tavern or hotel in any of the cities of this State shall keep at least three spare beds and the necessary bedding for the accommodation of travelers. For every neglect or default on the part of any keeper of any inn, tavern or hotel, licensed as aforesaid, to provide accommodations as herein required, such keeper shall forfeit ten dollars.

"§ 14. No person who shall trust any person other than those who may be lodgers in such inn, tavern or hotel, for any strong and spirituous liquors, wines, ale or beer, shall be capable of recovering the same by any suit; all contracts made by which any securities are given or pledged for such debts shall be void.

"§ 15. Whoever shall sell any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, without having a license therefor, granted as herein provided, shall, for the first offense, forfeit twenty-five dollars; and whoever shall sell any strong or spirituous liquors, wines, ale or beer, to be drank in his house or shop, or any out-house, yard or garden appertaining thereto, or shall suffer or permit any such liquors, wines, ale or beer to be sold by him, or under his direction or authority, to be drank in house or shop, or in any out-house, yard or garden thereto belonging, without first having obtained a license therefor, shall for the first offense forfeit twenty-five dollars, and for any offense thereafter shall be guilty of a misdemeanor, and on conviction shall pay a fine of one hundred dollars, or be imprisoned in the county jail or penitentiary for thirty days, or both, in the discretion of the court.

"§ 16. No inn, tavern or hotel keeper, or any other person, shall sell or give away any such liquor, wines, ale or beer to any Indian, or to an apprentice, knowing or having reason to believe him to be such, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother or guardian. Whoever shall offend against either of these provisions shall forfeit twenty-five dollars; and any person who shall sell or give away any strong or spirituous liquors to any Indian in this State shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of twenty-five dollars for each and every offense.

"§ 17. It shall be the duty of magistrates, overseer of the poor, and commissioners of excise in any town or city, on competent and satisfactory proof by a wife that her husband is an habitual drinker of intoxicating liquors, to issue written notices to all dealers in intoxicating liquors, and who have received license under this act, against whom such complaint is made, forbidding the sale or giving of such liquor to such



husband for the term of six months from the date of the notice, under a penalty of fifty dollars, with costs, for each and every sale or giving of such liquor after such notice shall have been given, to be sued for in her own name and for her own use. It shall be the duty of said magistrates, overseers of the poor and commissioners of excise, to forbid the sale in like manner in all cases where a husband shall make like satisfactory proof concerning the wife, and all the provisions of this section shall apply in either case. It shall be the duty of magistrates, commissioners of excise and overseers of the poor, when like proof is made by a parent concerning a child who is a minor under the age of twenty-one years, or by a child concerning a parent, to forbid the sale in like manner; and all of the provisions of this act shall apply as in other cases named above, except that in the case of a complaint by a parent concerning a child, or by a child concerning a parent, the penalty shall be sued for by the commissioners of excise, and applied to the use of the poor as herein provided.

“§ 18. It shall not be lawful, under the provisions of this act, knowingly to sell or give away intoxicating liquors, wines, ale or beer, to any person given to habitual drunkenness, nor to any person against whom the seller may have been notified by parent, guardian, husband or wife, from selling intoxicating liquors, and every party so selling or retailing intoxicating liquors shall, on conviction, be punished by a fine of not less than twenty dollars nor more than fifty dollars for each and every violation of the provisions herein set forth. If any inn, tavern or hotel keeper, or any other person or persons whatsoever, knowingly “outside of any poor-house,” shall sell or give to any pauper or inmate of any poor-house or alms-house strong or spirituous liquors, wines, ale or beer, such person or persons so offending shall be fined twenty-five dollars, and for a second offense shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or be imprisoned not more than ten days or both.

“§ 19. No inn, tavern or hotel keeper or other person, shall sell or give away distilled liquors on Sunday. No inn, tavern, hotel keeper or other person shall sell any liquors, wines, ale or beer of any kind upon any day on which a general or special election or town meeting shall be held, and within one-quarter of a mile from the place where such general or special election or town meeting shall be held in any of the cities or towns of this State, to any person whatever as a beverage. In case the election or town meetings shall not be general throughout the State, the provisions of this section shall only apply to the city, county or town in which such election or town meeting shall be held. Whoever shall offend against the provisions of this section shall be punished for the first offense by a fine of not less than twenty-five nor more than one hundred dollars, and for every offense thereafter by a like fine. The board of excise shall, on conviction for a second offense under the provisions of this section, revoke the license of said person so convicted.

“§ 20. The penalties imposed by this act, where not otherwise provided for, shall in towns be sued for and recovered in a civil action in the manner provided by law for the recovery of penalties by and in the name of the commissioners of excise of the town in which the alleged penalty was incurred; and the amount so recovered, when collected, together with all the costs in the proceedings for such recovery and collection, shall, within ten days after such collection, be paid by the officer or party receiving the same to the parties entitled thereto for the support of the poor as

herein provided, and in cities said penalties shall be sued for and recovered by the board of commissioners of excise thereof, and the amount so recovered, when collected, shall be paid into the city treasury. In case the party or parties whose duty it is to prosecute for any penalty imposed, or any violation of the provisions of this act shall, for the period of ten days after complaint to them that any person has incurred such penalty, accompanied with satisfactory proof of the same, neglect or refuse to prosecute for such penalty, any other person may prosecute therefor in the name of the commissioners of excise, at any time within thirty days after such violation; and the amount so recovered and collected shall, within the time herein mentioned, be paid as herein provided. All parties prosecuting in the name of the commissioners of excise shall give to them a good and sufficient bond for the payment of all costs and judgment that shall be incurred by or rendered against them.

“§ 21. It shall be the duty of courts to instruct grand jurors to inquire into all offenses against the provisions of this act, and to present all offenders under this act, and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures, and all offenses in relation to adulteration of liquors are hereby declared to be misdemeanors, to be punished by imprisonment in the penitentiary, work-house or jail for a period of not less than three months, and by a fine of one hundred dollars.

“§ 22. All incorporated companies and persons in this State engaged in conveying passengers, including especially all railroad, steamboat and ferry companies, and all kinds of corporations conveying for hire persons or property, shall be and hereby are required to refuse employment to all persons who, on good and sufficient proof, shall be shown to indulge in the intemperate use of intoxicating drinks, and any such company which shall retain in its employ any person or persons who shall, on competent proof being shown to be intoxicated at any period whilst in the active service of said company or persons, either as engineer, conductor, firemen, switch-tender, commander, pilot, mate or foreman, or be in any way connected with the moving power or management, or whose duty if neglected would diminished the safety of life, limb or property intrusted thereto, said company or corporation shall be liable to pay a sum of not less than one hundred dollars nor more than five hundred dollars to the county treasurer in the county where the offense may be committed, which penalty shall be sued for and recovered in the name of said county treasurer.

“§ 23. In any judgment rendered or recovered on any bond to be given under this act, or for any penalty incurred under this act, the person against whom such judgment shall be rendered shall not be entitled, under any execution on such judgment, to the liberties of the jail.

“§ 24. No person shall be indicted or convicted upon any indictment for selling strong and spirituous liquors, wines, ale or beer in quantities less than five gallons, without having obtained a license therefor under this act, unless a recovery shall be first had for a penalty herein provided, or the payment of such penalty by compromise after suit brought therefor. And it shall be the duty of the district attorney, upon the trial of said indictments, to show by competent proof the recovery of a judgment for a penalty against the party so indicted, or the compromise

and payment of such penalty after suit brought therefor, before any conviction can be had upon the said indictment.

"§ 25. Where a license shall have been granted in any town or city of this State according to the provisions of this act, the board of excise granting such license shall have power on application of the person or persons to whom such license has been granted to consent to change the place of business named in such license to any other place in said city or town. But no person or persons shall be permitted to sell at more than any one named place under one license.

§ 26. All acts and parts of acts, whether general or special, and all penalties and liabilities incurred under any acts heretofore passed, and all excise laws and all laws regulating the sale of intoxicating liquors heretofore passed by the Legislature of the State of New York, are hereby repealed.

"§ 27. Nothing in this act shall effect the provisions of any special act in so far as the same provides for any special disposition of excise moneys or fines.

"§ 28. This act shall take effect immediately.

Mr. T. J. Campbell moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

{ AYES 55 }  
{ NOES 38 }

Those who voted in the affirmative, were

Barkley	Ely	Kshinka	Schieffelin
Beardsley	Faulkner	Lawson	Schuyler
Bennett	Friend	Lewis	Shattuck
Bradley	Gallagher	Mackin	Sherman
Brown	Hammond	McGowan	Shiel
T. C. Campbell	Hanrahan	McGroarty	Speaker
T. J. Campbell	Hauschel	J. W. Miller	Stacy
Christopher	Hess	Oakley	Stauf
Cole	Hogan	O'Keefe	Stephens
Cooke	Ives	Page	G. Taylor
Costigan	W. Johnson	Pierson	Wachner
Daly	Kennaday	Ransom	Wenzel
Dessar	Kirk	Rich	Worth
Edson	Krack	Schenck	

Those who voted in the negative, were

Alvord	Decker	Husted	Russell
Barrow	Fay	W. A. Johnson	Scudder
Bishop	Gedney	Law	Seward
Bordwell	Green	Lillybridge	Sherwood
Bowen	Griffin	Lincoln	Slingerland
Burtis	Hepburn	McAfee	Tewksbury
Calkins	Hinckley	Petty	Tremain
Clark	Holmes	Prince	Witbeck
Comstock	Houghton	Roscoe	Willis
Daggett	Hussey		

Pending the call, Mr. Stacy asked to be excused from voting.

Mr. Speaker put the question whether the House would grant said request, and it was determined in the negative.

Mr. W. Johnson, from the committee on internal affairs, reported back said bill as instructed by the House.

Mr. Waehner moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. Alvord raised the point of order, that such motion was not in order.

Mr. Speaker decided the point of order not well taken.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative

{ AYES 54 }  
{ NOES 39 }

Those who voted in the affirmative, were

Barkley	Ely	Kshinka	Schenck
Beardsley	Faulkner	Lawson	Schieffelin
Bennett	Fish	Lewis	Schuyler
Bradley	Gallagher	Mackin	Shattuck
Brown	Hammond	McGowan	Sherman
T. C. Campbell	Hanrahan	McGroarty	Shiel
T. J. Campbell	Hauschel	J. W. Miller	Speaker
Christopher	Hess	Oakley	Stauf
Cole	Hogan	O'Keefe	Stephens
Cooke	Ives	Page	G. Taylor
Costigan	W. Johnson	Pierson	Waehner
Daly	Kennaday	Ransom	Wenzel
Dessar	Kirk	Rich	Worth
Edson	Krack		

Those who voted in the negative, were

Alvord	Decker	Inssey	Scudder
Barrow	Fay	Husted	Seward
Bishop	Friend	W. A. Johnson	Sherwood
Bordwell	Gedney	Law	Slingerland
Bowen	Green	Lillybridge	Tewksbury
Braman	Griffin	Lincoln	Tremain
Burtis	Hepburn	McAfee	Vedder
Calkins	Hinckley	Petty	Whitmore
Clark	Holmes	Prince	Willis
Comstock	Houghton	Russell	

*Ordered,* That said bill be engrossed and to a third reading.

Mr. Oakley, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Oakley, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave.

Mr. Petty moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Petty, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

On motion of Mr. T. J. Campbell, at 11 o'clock the House adjourned.

## THURSDAY, MAY 6, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. W. W. Battershall.

The reading of the journal of yesterday was dispensed with.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

A message from the Senate was received and read informing of concurrence in the amendments of the Assembly to the Senate bill entitled as follows:

"An act in relation to the purchase by the United States of certain lands at West Point, and the ceding jurisdiction of this State over said lands to the United States."

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Alvord called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to alter the commissioners' map of the city of Brooklyn, and closing a part of Bushwick avenue court-yard." With the following amendment:

Section 1, line 4, after the word "street" insert the words "on the east side of Bushwick avenue."

"An act in relation to taxes on lands sold by the State, and to amend the Revised Statutes in relation thereto."

"An act relative to the Civil Code."

"An act to authorize the common council of the city of Syracuse to repave Salina street in said city." With the following amendment:

Section 1, line 5, after the word "city" insert the words "providing that a majority of the owners owning a majority in street front on said street so to be repaved consent thereto in writing."

"An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York,' passed April 19, 1871." With the following amendments:

Strike out in line 1 of section 1 the words "an act," first occurring, and insert the words "chapter 566 of the Laws of 1871." Strike out in line 3 of same section the words "passed April 19, 1871."

Amend the title so as to read "An act to amend chapter 566 of the Laws of 1871, entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York.'"

Senate, "An act to provide for the building of a town hall in the town of Fort Covington, in the county of Franklin."

Senate, "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn.'"

"An act in relation to the collection of uncollected taxes in the village of Brockport."

"An act authorizing the city of Buffalo to take certain lands for a public park and to provide for the payment thereof."

"An act to alter the map or plan of the city of New York by extending Lafayette place." With the following amendments:

Insert in first section at the commencement, after the word "the," the words "common council of the city of New York are hereby authorized to extend the." After the word "York," in line 2 of same section, strike out the words "shall be continued and extended."

Amend the title so as to read "An act authorizing the common council of the city of New York to extend Lafayette place."

"An act to revise and consolidate the several acts relative to the public schools in the city of Auburn."

"An act to authorize James McAndrew to take, hold and convey real estate."

"An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York.'"

"An act to authorize appropriations for the poor adult blind in the city of New York not provided for in public or private institutions." With the following amendments:

Section 1, line 2, strike out the word "are" and insert the word "is," after the word "York."

Line 4, same section, strike out the word "appropriation" and insert the word "apportionment." Same section, line 8, strike out the word "fifty" and insert the word "twenty."

Section 2, line 1, strike out the word "are" and insert the word "is." Line 2, same section, change the word "their" to "the."

Section 4, line 5, strike out the word "three" and insert the word "two."

Section 5, line 4, strike out the word "twenty-five" and insert the word "ten."

"An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany." With the following amendments:

Strike out in line 1 of section 3 the word "April" and insert the word "June."

Strike out in line 7 of section 4, the words "a fireman" and insert the words "any officer or paid employee of said fire department." Line 10, same section, strike out the word "fireman" and insert the words "such officer or employee."

Strike out in line 1 of section 6 the word "April" and insert the word "June."

Strike out in line 2 of section 12 the word "five" and insert the word "six."

Strike out in line 26 of section 18 the word "April" and insert the word "June."

"An act relative to judgments entered upon forfeited recognizances in the city and county of New York." With the following amendment:

Section 1, line 7, strike out the words "failure occurred" and insert the words "recognizance was given."

"An act to amend section 67 of article 2, chapter 1, part 2, title 2 of the Revised Statutes, in relation to trusts."

Senate, "An act to amend an act entitled 'An act in relation to the salary of the supervisors of Albany county,' passed May 3, 1871."



"An act to increase the powers of the common council of the city of Brooklyn."

"An act further to amend chapter 306 of the Laws of 1861, entitled 'An act to amend the act passed May 8, 1846, entitled An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York.'"

Senate, "An act to repeal chapter 309 of the Laws of 1853, entitled 'An act relative to the common lands in the town of North Hempstead, county of Queens.'"

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

On motion of Mr. Krack, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Senate bill No. 150, entitled "An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," and that the same be ordered to a third reading.

On motion of Mr. Lincoln, and by unanimous consent,

*Resolved*, That Assembly bill No. 342, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," as amended at the special session of this House held on the evening of May 5 inst., be printed and placed on the files of members at least one day prior to its third reading.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Waehner, Int. No. 995, entitled "An act to amend section 48 of chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act in relation to the police department in the city of New York," which report was agreed to.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. G. Taylor, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," and the same recommitted to the committee on public education, retaining its place on general orders.

By unanimous consent, Mr. Husted called from the table the concurrent resolution, in the words following:

*Resolved* (if the Assembly concur), That the Regents of the University shall have the authority to distribute to the normal schools of the State such duplicate specimens of minerals and fossils from the State museum of natural history as may not be required for the institutions already designated by the Legislature to receive such collections.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. Husted offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That the Regents of the University as trustees of the State museum of natural history be authorized to



transfer to Washington's Headquarters in Newburgh any arms, relics or other objects of historic interest of the revolutionary period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Alvord, and by unanimous consent, the committee on affairs of cities was discharged from the further consideration of the Senate bill entitled "An act to enable incorporated parishes of the Protestant Episcopal denomination in the diocese of Central New York to make certain transfers of their real and personal estate," and the same was ordered to a third reading.

On motion of Mr. Prince, and by unanimous consent, said bill was amended by striking out the word "denomination," in line 3, engrossed bill, and inserting in lieu thereof the word "Church." Amend the title by striking out the word "denomination" and inserting in lieu thereof the word "Church."

By unanimous consent, Mr. Cole introduced a bill entitled "An act to alter and define the boundaries of the first and second commissioner districts of Monroe county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, said bill was ordered engrossed and to a third reading.

By unanimous consent, Mr. McGroarty introduced a bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to Anne Pinkerton, formerly Anne Scott," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGroarty, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to authorize appropriations for the poor adult blind in the city of New York, not provided for in public or private institutions," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, on motion of Mr. Costigan, said bill was substituted for Assembly bill of the same title.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of the bill entitled "An act in relation to the Hudson River State Hospital for the Insane at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, and the Buffalo State Asylum for the Insane," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, in the words following:

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend an act to

authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park, in or outside of the city of Binghamton, and lay out the same, passed April 6, 1874."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Selkreg, and by unanimous consent, the same was amended as follows:

Section 1, line 8, strike out all after "section 7," down to and including the word "and," in line 11, and insert the words "the common council of the city of Binghamton may by a vote of two-thirds of the members thereof."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Scudder
Badger	Dessar	Krack	Seward
Barkley	Edson	Law	Sherman
Barrow	Ely	Lawson	Sherwood
Benedict	Farrar	Lillybridge	Smith
Bennett	Faulkner	Lincoln	Speaker
Berry	Friend	Mackin	Talmage
Bordwell	Gallagher	McGowan	G. Taylor
Bradley	Gedney	McGroarty	W. F. Taylor
Braman	Griffin	J. W. Miller	Tremain
Broas	Hanrahan	Muller	Vosburgh
Brown	Hauschel	O'Keefe	Waehner
Burtis	Hess	Peck	Wenzel
Calkins	Hinckley	Pierson	West
T. C. Campbell	Holmes	Prince	Whitmore
T. J. Campbell	Hussey	Ransom	Willis
Christopher	Husted	Rich	Witbeck
Clark	Ives	Roscoe	Worth
Cole	W. Johnson	Schenck	Wurts
Comstock	W. A. Johnson	Schuyler	Yost
Daggett	Kennaday		

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 100 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Krack	Russell
Badger	Fay	Kshinka	Sanford

<b>Barkley</b>	<b>Fish</b>	<b>Law</b>	<b>Schenck</b>
<b>Barrow</b>	<b>Friend</b>	<b>Lawrence</b>	<b>Schuyler</b>
<b>Beach</b>	<b>Gallagher</b>	<b>Lawson</b>	<b>Scudder</b>
<b>Benedict</b>	<b>Gedney</b>	<b>Lewis</b>	<b>Seward</b>
<b>Bennett</b>	<b>Green</b>	<b>Lillybridge</b>	<b>Sherman</b>
<b>Berry</b>	<b>Griffin</b>	<b>Lincoln</b>	<b>Sherwood</b>
<b>Bishop</b>	<b>Hammond</b>	<b>Mackin</b>	<b>Shiel</b>
<b>Bordwell</b>	<b>Hanrahan</b>	<b>McAfee</b>	<b>Slingerland</b>
<b>Bradley</b>	<b>Hanschel</b>	<b>McGowan</b>	<b>Smith</b>
<b>Broas</b>	<b>Hepburn</b>	<b>McGroarty</b>	<b>Speaker</b>
<b>Brown</b>	<b>Hess</b>	<b>Merwin</b>	<b>Stacy</b>
<b>Calkins</b>	<b>Hinckley</b>	<b>J. W. Miller</b>	<b>Talmage</b>
<b>T. C. Campbell</b>	<b>Hogan</b>	<b>Muller</b>	<b>G. Taylor</b>
<b>T. J. Campbell</b>	<b>Holmes</b>	<b>Oakley</b>	<b>Tewksbury</b>
<b>Clark</b>	<b>Houghton</b>	<b>Page</b>	<b>Tremain</b>
<b>Cole</b>	<b>Hussey</b>	<b>Peck</b>	<b>Waehner</b>
<b>Comstock</b>	<b>Husted</b>	<b>Petty</b>	<b>Wellington</b>
<b>Costigan</b>	<b>Ives</b>	<b>Pierson</b>	<b>Wenzel</b>
<b>Daggett</b>	<b>W. Johnson</b>	<b>Prince</b>	<b>Whitmore</b>
<b>Daly</b>	<b>W. A. Johnson</b>	<b>Ransom</b>	<b>Willis</b>
<b>Decker</b>	<b>Keenan</b>	<b>Reilly</b>	<b>Witbeck</b>
<b>Edson</b>	<b>Kennaday</b>	<b>Rich</b>	<b>Wurts</b>
<b>Ely</b>	<b>Kirk</b>	<b>Roscoe</b>	<b>Yost</b>

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

A message from the Senate was received and read, in the words following:

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act authorizing the common council of the city of Buffalo to make reassessments to defray the expenses of certain local improvements in said city."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Laning, and by unanimous consent, the same was amended as follows:

Section 1, line 8, engrossed bill, after the word "void" strike out the words down to and including the word "whatever" in line 9, and insert as follows: "by reason of any irregularity or informality on the part of the common council in the proceedings directing the grading or paving of any street, or the construction of any sewer or other local improvement, or in giving or publishing the notice required by the charter therefor, or by reason of the insufficiency of any affidavit of any city officer required by said charter, or for the reason that the grading and paving of any street has been ordered by said council as one work, and included in one notice, or by reason of any irregularity or informality in the assessment therefor."

Strike out all of section 6, engrossed bill, and insert as follows:

"§ 6. This act shall not apply to any case arising prior to January 1, 1871, nor to any case where any assessment has been or shall be adjudged to be void by reason of any fraud, or by reason of any collusion between said common council or any officer of said city, and any contractor or other person in respect to such assessment, or in respect to any work or improvement ordered by said common council."

Make section 6 section 7.

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schenck
Badger	Decker	Kshinka	Schuyler
Barkley	Edson	Lawrence	Scudder
Barrow	Farrar	Lawson	Seward
Beach	Fay	Lewis	Sherman
Benedict	Fish	Lillybridge	Sherwood
Berry	Friend	Lincoln	Slingerland
Bishop	Gallagher	McAfee	Smith
Bordwell	Gedney	McGowan	Stauf
Bradley	Hammond	McGroarty	Stephens
Broas	Hanrahan	J. W. Miller	Talmage
Brown	Hauschel	Muller	G. Taylor
Calkins	Hepburn	O'Keefe	Tremain
T. C. Campbell	Hogan	Peck	Wachner
T. J. Campbell	Holmes	Petty	Wellington
Clark	Hussey	Prince	Wenzel
Cole	Husted	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Cooke	W. Johnson	Roscoe	Wurts
Costigan	Keenan	Sanford	Yost
Daggett	Kirk		

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Law	Seward
Badger	Fish	Lawson	Sherman
Barkley	Friend	Lincoln	Sherwood
Barrow	Gallagher	Mackin	Shiel
Benedict	Gedney	McAfee	Slingerland
Bennett	Green	McGowan	Smith
Bishop	Griffin	McGroarty	Speaker
Bordwell	Hanrahan	J. W. Miller	Stauf
Broas	Hauschel	Oakley	Struble
Burtis	Hess	O'Keefe	G. Taylor
Calkins	Hinokley	Page	W. F. Taylor
T. C. Campbell	Hogan	Peck	Tremain

**MAY 6.]**

**1339**

<b>T. J. Campbell</b>	<b>Holmes</b>	<b>Petty</b>	<b>Vedder</b>
<b>Clark</b>	<b>Hussey</b>	<b>Prince</b>	<b>Waehner</b>
<b>Cole</b>	<b>Husted</b>	<b>Ransom</b>	<b>Wellington</b>
<b>Comstock</b>	<b>Ives</b>	<b>Rich</b>	<b>Wenzel</b>
<b>Cooke</b>	<b>W. Johnson</b>	<b>Roscoe</b>	<b>Willis</b>
<b>Costigan</b>	<b>W. A. Johnson</b>	<b>Sanford</b>	<b>Witbeck</b>
<b>Daly</b>	<b>Kirk</b>	<b>Schenck</b>	<b>Wurts</b>
<b>Edson</b>	<b>Krack</b>	<b>Schnyler</b>	<b>Yost</b>
<b>Ely</b>			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate returned the bill entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 4, line 3, after the word "may" insert the word "by a two-thirds vote of all the members elected." Add at the end of section 5 the following: "subject, however, to the condition and agreement that said premises shall be held for the use of the National Guard of the State of New York, and for no other purpose whatever, and if said county of Kings shall at any time cease to use the same for the purpose of the National Guard, the title to said premises shall revert to the State, and the State shall thereupon refund and pay to said county of Kings the amount paid by said county to the State for such premises."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Ely</b>	<b>Krack</b>	<b>Schuyler</b>
<b>Badger</b>	<b>Farrar</b>	<b>Law</b>	<b>Scudder</b>
<b>Barkley</b>	<b>Faulkner</b>	<b>Lawson</b>	<b>Sherman</b>
<b>Benedict</b>	<b>Fish</b>	<b>Lillybridge</b>	<b>Sherwood</b>
<b>Bennett</b>	<b>Friend</b>	<b>Lincoln</b>	<b>Silverman</b>
<b>Berry</b>	<b>Gallagher</b>	<b>Mackin</b>	<b>Smith</b>
<b>Bordwell</b>	<b>Green</b>	<b>McAfee</b>	<b>Speaker</b>
<b>Braman</b>	<b>Hammond</b>	<b>McGowan</b>	<b>Stauf</b>
<b>Brogan</b>	<b>Hanrahan</b>	<b>McGroarty</b>	<b>Struble</b>
<b>Brown</b>	<b>Hauschel</b>	<b>J. W. Miller</b>	<b>Talmage</b>
<b>Calkins</b>	<b>Hess</b>	<b>Muller</b>	<b>G. Taylor</b>
<b>T. C. Campbell</b>	<b>Hinckley</b>	<b>O'Keefe</b>	<b>W. F. Taylor</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Page</b>	<b>Vedder</b>
<b>Christopher</b>	<b>Holmes</b>	<b>Petty</b>	<b>Vosburgh</b>
<b>Clark</b>	<b>Hussey</b>	<b>Pierson</b>	<b>Wenzel</b>
<b>Cole</b>	<b>Ives</b>	<b>Pope</b>	<b>West</b>
<b>Comstock</b>	<b>W. Johnson</b>	<b>Ransom</b>	<b>Willis</b>

Daggett  
Daly  
Decker  
Edson

W. A. Johnson  
Kennaday  
Kirk

Rich  
Roscoe  
Schenck

Witbeck  
Wurts  
Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to provide means for the establishment and equipment of the building erected on that portion of the Central park formerly known as Manhattan square, in the city of New York, under the provisions of chapter 290, Laws of 1871, for the purposes of a museum of natural history," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, lines 6 and 7, strike out the words "museum of natural history building equipment stock," and insert the words "consolidated stock of the city of New York."

Lines 9 and 10, strike out the word "required" and insert the word "certified." Line 11, after the word "parks" insert the words "to be necessary for the equipment of the building of the museum of natural history."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lawrence	Schuyler
Badger	Faulkner	Lawson	Seward
Barkley	Fish	Lillybridge	Sherman
Barrow	Friend	Lincoln	Sherwood
Beach	Gallagher	Mackin	Silverman
Benedict	Gedney	McAfee	Smith
Bennett	Griffin	McGowan	Speaker
Berry	Hanrahan	McGroarty	Stauf
Bowen	Hauschel	Merwin	Struble
Bradley	Hess	J. W. Miller	Talmage
Brown	Hinckley	Oakley	G. Taylor
Calkins	Hogan	Page	Tremain
T. C. Campbell	Holmes	Peck	Vedder
T. J. Campbell	Hussey	Pierson	Waehner
Christopher	Ives	Prince	Wellington
Clark	W. Johnson	Ransom	Wenzel
Cole	W. A. Johnson	Rich	Willis
Comstock	Kennaday	Roscoe	Witbeck
Costigan	Kirk	Sanford	Worth
Daly	Krack	Schenck	Wurts
Decker	Law	Schieffelin	Yost
Ely			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act for the relief of the Cypress Hill cemetery," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 4, after the word "trustees" insert the words "with the consent of the parties interested."

Strike out all of section 2 after the word "surrender," in line 5.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were.

Alvord	Edson	Krack	Schuyler
Barkley	Ely	Law	Scudder
Barrow	Farrar	Lawson	Seward
Beardsley	Faulkner	Lillybridge	Sherman
Benedict	Fish	Lincoln	Sherwood
Bennett	Friend	Mackin	Shiel
Berry	Gallagher	McAfee	Smith
Bowen	Green	McGowan	Speaker
Bradley	Griffin	McGroarty	Stauf
Broas	Hauschel	J. W. Miller	Struble
Burtis	Hess	Muller	G. Taylor
Calkins	Hinckley	Oakley	W. F. Taylor
T. C. Campbell	Hogan	Page	Tremain
T. J. Campbell	Holmes	Petty	Vosburgh
Christopher	Hussey	Pierson	Waehner
Clark	Husted	Prince	West
Cole	Ives	Ransom	Whitmore
Costigan	W. Johnson	Rich	Witbeck
Daggett	W. A. Johnson	Roscoe	Worth
Davis	Kennaday	Russell	Wurts
Decker	Kirk	Schenck	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Amend the title so as to read "An act to amend chapter 361 of the Laws of 1863, entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania.'"

Section 1, line 1, strike out the words "An act" and insert the words "chapter 361, Laws of 1863."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Sherwood
Badger	Ely	Lillybridge	Shiel
Barrow	Farrar	Lincoln	Smith
Beach	Fay	McAfee	Speaker
Benedict	Friend	McGowan	Stauf
Berry	Gallagher	McGroarty	Struble
Bordwell	Green	J. W. Miller	Talmage
Bradley	Hammond	Oakley	G. Taylor
Braman	Hanrahan	O'Keefe	W. F. Taylor
Brown	Hess	Peck	Vedder
Calkins	Hogan	Petty	Vosburgh
T. C. Campbell	Houghton	Pope	Wachner
T. J. Campbell	Husted	Ransom	Wenzel
Christopher	Ives	Rich	West
Clark	W. Johnson	Roscoe	Willis
Cole	W. A. Johnson	Russell	Witbeck
Comstock	Kennaday	Schenck	Worth
Costigan	Kirk	Schuyler	Wurts
Daly	Krack	Seward	Yost
Decker	Law	Sherman	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 5, after the word "its" insert the word "present."

Amend the title by inserting after the word "its" the word "present."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Scudder
Badger	Faulkner	Lawson	Seward
Barkley	Fay	Lillybridge	Sherwood
Beach	Friend	Lincoln	Shiel
Benedict	Gallagher	Mackin	Smith
Bennett	Green	McAfee	Speaker
Berry	Griffin	McGowan	Stephens
Bordwell	Hanrahan	McGroarty	Struble
Bradley	Hauschel	J. W. Miller	Talmage
Broas	Hess	Oakley	G. Taylor

Brown	Hogan	Page	Tremain
T. O. Campbell	Holmes	Petty	Vedder
T. J. Campbell	Hussey	Pierson	Waehner
Christopher	Husted	Prince	Wenzel
Clark	Ives	Ransom	West
Cole	W. Johnson	Rich	Willis
Comstock	Keenan	Roscoe	Witbeck
Costigan	Kennaday	Sanford	Worth
Daly	Kirk	Schenck	Wurts
Decker	Krack	Schuyler	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

On motion of Mr. Clark, and by unanimous consent,

*Resolved*, That 2,000 additional copies of the seventh annual report of the Commissioners of Fisheries of the State of New York for the year ending December 31, 1874, be printed for the use of the Legislature.

Mr. Schuyler offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That the Legislature adjourn sine die on Thursday, May 13th inst., at 1 o'clock P. M.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

On behalf of Mr. Faulkner, and by unanimous consent, Mr. Barrow offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 580, entitled "An act to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the organization of insurance companies,'" and that the same be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Bennett, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to amend section 238 of the Code of Procedure," and the same was ordered to a third reading.

Mr. Benedict moved to make the bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" a special order for this evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The Senate bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Sherman
Barkley	Fish	Lewis	Sherwood
Beach	Friend	Lincoln	Shiel
Beardsley	Gallagher	Mackin	Slingerland
Benedict	Gedney	McGowan	Smith
Berry	Griffin	McGroarty	Stacy
Bishop	Hanrahan	Merwin	Stephens
Bowen	Hauschel	J. W. Miller	Struble
Broas	Hess	Oakley	Talmage
Brown	Hogan	Page	G. Taylor
Calkins	Holmes	Peck	W. F. Taylor
T. C. Campbell	Hussey	Pierson	Vedder
T. J. Campbell	Ives	Pope	Vosburgh
Christopher	W. Johnson	Ransom	Wellington
Clark	W. A. Johnson	Rich	West
Cole	Keenan	Russell	Whitmore
Costigan	Kennaday	Sanford	Witbeck
Daly	Kirk	Schenck	Worth
Decker	Krack	Schuyler	Wurts
Dessar	Law	Seward	Yost
Edson			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act authorizing the common council of the city of Poughkeepsie to sell and convey certain real estate owned by said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Seward
Badger	Ely	Lawson	Sherman
Barrow	Farrar	Lillybridge	Sherwood
Beach	Fay	Lincoln	Slingerland
Benedict	Friend	Mackin	Smith
Bennett	Gallagher	McAfee	Stauf
Berry	Gedney	McGowan	Struble
Bowen	Griffin	McGroarty	G. Taylor
Bradley	Hanruhan	Merwin	W. F. Taylor
Brown	Hauschel	J. W. Miller	Tewksbury
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hinckley	Page	Wachner
T. J. Campbell	Houghton	Peck	Wellington
Christopher	Hussey	Pierson	West

Clark	Ives	Prince	Whitmore
Cole	W. Johnson	Reilly	Willis
Costigan	Keenan	Roscoe	Witbeck
Daggett	Kennaday	Russell	Worth
Daly	Kirk	Schenck	Wurts
Dessar	Krack	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend chapter 467 of the Laws of 1862, entitled An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed May 2, 1864," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 61 }  
{ NOES 31 }

Those who voted in the affirmative, were

Barkley	Davis	Houghton	Shiel
Barrow	Decker	Kennaday	Slingerland
Beach	Edson	Law	Smith
Beardsley	Ely	Lincoln	Speaker
Berry	Farrar	Mackin	Stauf
Bishop	Faulkner	McAfee	Stephens
Bordwell	Fay	McGowan	Struble
Bradley	Fish	McGroarty	Talmage
Broas	Gedney	Merwin	G. Taylor
Brown	Griffin	Muller	W. F. Taylor
Calkins	Hammond	Oakley	Tewksbury
T. J. Campbell	Hanrahan	Petty	Wenzel
Comstock	Hauschel	Pierson	Willis
Cooke	Hess	Scudder	Worth
Costigan	Hinckley	Shattuck	Yost
Daggett			

Those who voted in the negative, were

Alvord	Holmes	Peck	Vedder
Badger	Hussey	Ransom	Waehner
Benedict	Husted	Reilly	Wellington
T. C. Campbell	W. A. Johnson	Russell	West
Clark	Lawrence	Sanford	Whitmore
Cole	Lawson	Seward	Witbeck
Friend	Lillybridge	Stacy	Wurts
Green	Page	Tremain	

Mr. Husted moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate bill entitled "An act to amend an act entitled 'An act to

authorize William Hilliker to establish and maintain a ferry across the Cayuga lake at Cayuga Bridge,' passed April 20, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lillybridge	Slingerland
Barkley	Ely	Lincoln	Smith
Barrow	Farrar	Mackin	Speaker
Beach	Faulkner	McAfee	Stauf
Benedict	Friend	McGowan	Stephens
Bennett	Gedney	McGroarty	Struble
Berry	Griffin	Merwin	Talmage
Bordwell	Hanrahan	J. W. Miller	G. Taylor
Broas	Hauschel	Oakley	W. F. Taylor
Calkins	Hepburn	Page	Vedder
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hinckley	Ransom	Waehner
Christopher	Hussey	Reilly	West
Clark	Ives	Rich	Whitmore
Cole	W. Johnson	Russell	Willis
Comstock	W. A. Johnson	Schenck	Witbeck
Costigan	Kennaday	Schuyler	Worth
Daly	Krack	Seward	Wurts
Decker	Law	Shattuck	Yost
Dessar	Lawson	Sherwood	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act for the preservation of fish in Chautauqua lake," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Seward
Badger	Ely	Lillybridge	Shattuck
Beach	Farrar	Lincoln	Sherwood
Beardsley	Faulkner	Mackin	Silverman
Benedict	Fish	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bowen	Gallagher	McGroarty	Stauf
Bradley	Gedney	Merwin	Talmage
Braman	Griffin	J. W. Miller	G. Taylor

**MAY 6.]**

**1847**

Calkins	Hanrahan	Oakley	W. F. Taylor
T. C. Campbell	Hepburn	Page	Tremain
T. J. Campbell	Hess	Peck	Vosburgh
Christopher	Holmes	Pierson	Waehner
Clark	Hussey	Pope	Wenzel
Cole	Ives	Ransom	Whitmore
Cooke	W. Johnson	Reilly	Willis
Costigan	Keenan	Rich	Witbeck
Davis	Kennaday	Sanford	Worth
Decker	Krack	Schenck	Wurts
Dessar	Law	Schieffelin	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The bill entitled "An act establishing and declaring the use of the dock and pier at the ferry landing, on the easterly side of Front street, between Canal and Water streets, in the village of Edgewater, Richmond county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 77 }  
} NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawson	Soudder
Barkley	Edson	Lewis	Sherwood
Beach	Farrar	Lincoln	Shiel
Beardsley	Faulkner	Mackin	Smith
Berry	Fish	McGowan	Speaker
Bishop	Friend	McGroarty	Stephens
Bordwell	Griffin	J. W. Miller	Struble
Bradley	Hanrahan	Oakley	Talmage
Brogan	Hauschel	Page	G. Taylor
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Hinckley	Pierson	Vedder
T. J. Campbell	Holmes	Prince	Vosburgh
Christopher	Hussey	Ransom	Waehner
Clark	W. Johnson	Rich	Wenzel
Cole	W. A. Johnson	Roscoe	West
Comstock	Keenan	Russell	Willis
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schieffelin	Wurts
Davis	Law	Schuyler	Yost
Decker			

For the negative,

Gedney

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act legalizing certain proceedings of a

town meeting held in the town of Moriah, Essex county, on the first Tuesday of March, 1875," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Seward
Barkley	Edson	Lawrence	Slingerland
Barrow	Farrar	Lawson	Smith
Benedict	Faulkner	Lillybridge	Stacy
Bennett	Fish	Lincoln	Stauf
Berry	Friend	McAfee	Struble
Bordwell	Gallagher	McGowan	Talmage
Bowen	Gedney	McGroarty	G. Taylor
Bradley	Griffin	J. W. Miller	Tewksbury
Brogan	Hammond	Oakley	Tremain
Brown	Hanrahan	Page	Vedder
Calkins	Hauschel	Peck	Vosburgh
T. C. Campbell	Hinckley	Petty	Waehner
T. J. Campbell	Hogan	Prince	Wenzel
Christopher	Houghton	Ransom	West
Clark	Hussey	Rich	Whitmore
Comstock	Husted	Russell	Witbeck
Costigan	Ives	Sanford	Worth
Daggett	W. A. Johnson	Schenck	Wurts
Daly	Kennaday	Schieffelin	Yost
Davis	Krack	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" being announced for a third reading,

On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows:

Line 18, section 1, engrossed bill, after the word "appointed" insert the following: "provided, however, that no such certificate need be affixed to any such instrument in order to entitle the same to be recorded in the county for which such notary public has been or may be appointed."

On motion of Mr. Petty, and by unanimous consent, said bill was further amended as follows:

Section 1, line 11, insert after the word "Westchester" the words "Putnam, Suffolk."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



**MAY 6.]**

**1349**

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 74 }**  
**{ NOES 5 }**

**Those who voted in the affirmative, were**

Alvord	Comstock	Husted	Sherman
Badger	Cooke	Kirk	Shiel
Barkley	Daggett	Lewis	Silverman
Barrow	Daly	Lincoln	Slingerland
Benedict	Decker	Mackin	Speaker
Bennett	Edson	McGowan	Struble
Berry	Farrar	Merwin	Talmage
Bishop	Fay	Oakley	G. Taylor
Bordwell	Fish	Petty	W. F. Taylor
Bowen	Friend	Pierson	Tewksbury
Bradley	Gallagher	Pope	Vosburgh
Braman	Gedney	Prince	Waehner
Broas	Green	Roscoe	Wellington
Brown	Griffin	Russell	Wenzel
Calkins	Hauschel	Schieffelin	Willis
T. C. Campbell	Hess	Schuyler	Witbeck
T. J. Campbell	Hinckley	Seward	Wurts
Christopher	Holmes	Shattuck	Yost
Clark	Houghton		

**Those who voted in the negative, were**

Costigan	Muller	Ransom	Reilly
Kennaday			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for raising money to provide an armory in the city of Brooklyn for the Fourteenth regiment of the National Guard of the State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 80 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Dessar	Krack	Seward
Badger	Edson	Law	Sherman
Barrow	Ely	Lawson	Shiel
Beach	Farrar	Lillybridge	Slingerland
Benedict	Faulkner	Mackin	Smith
Bennett	Fish	McAfee	Stacy
Berry	Friend	McGowan	Stephens
Bordwell	Gallagher	McGroarty	Struble
Bowen	Griffin	J. W. Miller	Talmage

Braman	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	Tremain
T. C. Campbell	Hess	Peck	Vedder
T. J. Campbell	Hinckley	Petty	Waehner
Christopher	Holmes	Pope	Wenzel
Clark	Houghton	Ransom	West
Coffey	Ives	Rich	Willis
Comstock	W. Johnson	Russell	Witbeck
Cooke	Keenan	Schenck	Worth
Costigan	Kennaday	Schieffelin	Wurts
Davis	Kirk	Scudder	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable the city of Yonkers to consolidate and equalize the time of payment of its bonded debt," being announced for a third reading,

On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows:

Section 1, line 16, engrossed bill, after the word "Yonkers" insert the words "equal in amount to the outstanding bonds of the town of Yonkers, chargeable upon the taxable property of the city of Yonkers, lying outside the limits of the late village of Yonkers."

Section 3, line 12, after the word "bonds" insert the words "or the bonds of any other city in the State of New York, in the discretion of the common council."

Add as sections 4 and 5 the following:

"§ 4. The common council shall levy upon the taxable property within said city, and upon that part of said city lying outside the limits of the late village of Yonkers, the amounts necessary to pay the bonds and interest falling due and chargeable upon each territory respectively in each year, together with one per cent thereon for the treasurer's fees.

"§ 5. The common council of the city of Yonkers shall levy upon the taxable property within said city, in addition to such other sums as the said common council is authorized to raise, such sum as may be necessary to pay such expenses as it may incur in carrying out the provisions of this act, together with the sum required to pay the premium, if any, which may become necessary, to be paid by said common council on bonds purchased either for cancellation or for investment, as provided in the preceding section, provided that such amount shall not exceed the sum of five thousand dollars."

Change section 4 to section 6.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Shattuck
Badger	Faulkner	Lewis	Sherwood
Beach	Fay	Lincoln	Silverman

**MAY 6.]**

**1851**

Benedict	Friend	Mackin	Smith
Bennett	Gallagher	McAfee	Speaker
Berry	Green	McGowan	Stauf
Bowen	Griffin	McGroarty	Struble
Bradley	Hanrahan	J. W. Miller	G. Taylor
Broas	Hauschel	Oakley	Tewksbury
Brown	Hess	O'Keefe	Tremain
Burtis	Hinckley	Peck	Vosburgh
Calkins	Holmes	Pierson	Waehner
T. C. Campbell	Hussey	Prince	Wenzel
T. J. Campbell	Ives	Ransom	West
Christopher	W. Johnson	Rich	Whitmore
Clark	Keenan	Roscoe	Willis
Costigan	Kennaday	Schenck	Witbeck
Daly	Kirk	Schieffelin	Worth
Davis	Krack	Scudder	Wurts
Dessar	Law	Seward	Yost
Edson			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable the city of New York to finally settle and pay that part of the bonded debt of the late town of Yonkers apportioned to the late town of Kingsbridge," being announced for a third reading,

On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows:

Strike out after the word "Yonkers," line 3, section 1, engrossed bill, the words "and the principal to become due thereon at the time of payment hereinafter mentioned."

Same section, after the word "seventy-six" in line 24, insert the words "together with the interest that shall have accrued thereon up to the time of payment of such principal."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Sherwood
Badger	Ely	Lewis	Shiel
Barrow	Faulkner	Lillybridge	Slingerland
Beach	Fay	Mackin	Smith
Benedict	Gallagher	McGowan	Stacy
Berry	Gedney	McGroarty	Stauf
Bishop	Green	J. W. Miller	Struble
Bowen	Hammond	Muller	Talmage
Bradley	Hanrahan	Oakley	G. Taylor
Broas	Hepburn	O'Keefe	Tewksbury
Brogan	Hess	Peck	Tremain

Calkins	Hogan	Pierson	Vedder
T. C. Campbell	Houghton	Prince	Vosburgh
T. J. Campbell	Husted	Ransom	Wellington
Christopher	Ives	Reilly	Wenzel
Clark	W. Johnson	Rich	Whitmore
Comstock	Keenan	Russell	Willis
Costigan	Kennaday	Schenck	Witbeck
Daggett	Kirk	Schuyler	Worth
Davis	Krack	Scudder	Wurts
Dessar	Law	Shattuck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn,'" being announced for a third reading.

On motion of Mr. McGroarty, and by unanimous consent, said bill was amended as follows:

Section 1, line 8, engrossed bill, after the word "numbers" insert the word "twenty."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lillybridge	Sherman
Badger	Faulkner	Mackin	Shiel
Barrow	Fream	McAfee	Silverman
Beardsley	Gallagher	McGowan	Smith
Benedict	Gedney	Merwin	Speaker
Berry	Griffin	J. W. Miller	Stauf
Bishop	Hanrahan	Muller	Stephens
Braman	Hepburn	Oakley	Talmage
Brogan	Hess	Page	G. Taylor
Brown	Hogan	Petty	W. F. Taylor
Calkins	Houghton	Pierson	Tremain
T. C. Campbell	Hussey	Prince	Vedder
T. J. Campbell	Ives	Ransom	Vosburgh
Clark	W. Johnson	Roscoe	Wenzel
Cole	Keenan	Russell	West
Costigan	Kirk	Schieffelin	Whitmore
Daly	Krack	Schuyler	Willis
Dessar	Law	Seward	Witbeck
Edson	Lawrence	Shattuck	Yost
Ely	Lewis		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. T. C. Campbell, and by unanimous consent, the bill entitled "An act to dispose of the surplus lands known as the Seamen's

Retreat, in the county of Richmond, and for the payment of the debt of the Seamen's Fund and Retreat of the city of New York," was taken from the table.

Mr. T. C. Campbell moved to recommit said bill to the committee on commerce and navigation, with instructions to amend as follows, and report back forthwith:

Section 3, engrossed bill, insert after the word "be," in line 1, the words "paid over to the Comptroller of the State of New York, and by him."

Add at end of section 3 the words "and shall be drawn and paid out only on the joint order or check of the president of said board of trustees and the mayor of the city of New York, or said funds, or any portion thereof, may be invested in such securities as the said Comptroller and the said board of trustees may select, and the income thereof applied to the purposes aforesaid."

Strike out sections 4 and 5, and insert in lieu thereof the following:

"§ 4. Nothing in this act contained shall be construed to authorize the appraisal, sale or leasing of the portion of said lands which, by chapter 199 of the Laws of 1854, is set apart for the use of the Mariner's Family Asylum, and is now under the control of the Mariner's Family Industrial Society of the Port of New York.

"§ 5. All acts and parts of acts inconsistent with this acts are hereby repealed.

"§ 6. This act shall take effect immediately."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Clark, from said committee, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 51 }  
{ NOES 42 }

Those who voted in the affirmative, were

Barrow	Costigan	Keenan	Roscoe
Beach	Daggett	Kirk	Schieffelin
Beardsley	Dessar	Lawson	Schuyler
Benedict	Friend	McAfee	Scudder
Berry	Gallagher	McGowan	Shattuck
Broas	Gedney	Merwin	Sherman
Burtis	Hanrahan	J. W. Miller	Shiel
Calkins	Hauschel	Muller	Stauf
T. C. Campbell	Hess	O'Keefe	Talmage
Clark	Hinckley	Page	W. F. Taylor
Cleary	Hogan	Petty	Witbeck
Coffey	Holmes	Pierson	Yost
Comstock	Houghton	Reilly	

Those who voted in the negative, were

Alvord	Griffin	Lincoln	Stacy
Bishop	Hepburn	Mackin	Stephens

Bordwell	Hussey	McGroarty	Tewksbury
Braman	Ives	Peck	Tremain
Daly	W. Johnson	Pope	Vedder
Davis	W. A. Johnson	Russell	Waehner
Decker	Krack	Sanford	Wenzel
Edson	Law	Seward	Whitmore
Farrar	Lawrence	Sherwood	Willis
Fay	Lewis	Silverman	Wurts
Green	Lillybridge		

Mr. T. C. Campbell moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Senate was received and read, informing of concurrence in the passage of resolutions recalling from the Governor for amendment the bills entitled as follows:

"An act in relation to parsonages in certain cases."

"An act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county."

*Ordered*, That the Clerk deliver said resolutions to the Governor.

The bill entitled "An act to change the name of the village of Sandy Hill to that of Hudson Falls," being announced for a third reading,

Mr. Alvord moved to recommit said bill to the committee on affairs of villages with instructions to strike out the enacting clause.

Debate was had thereon, when

Mr. Shiel moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Youkers,' passed June 1, 1872, passed February 28, 1873."

"An act to amend chapter 367 of the Laws of 1873, entitled 'An act amending an act entitled An act to establish free schools in district No. 3 of the town of Flushing,' passed April 16, 1857, enlarging said district and authorizing a greater school tax therein."

"An act to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the power and duties and compensation of the captain of the port and harbor-masters of the port of New York.'"

"An act in regard to the boundary monuments of the State."

"An act to amend chapter 521 of the Laws of 1857, entitled 'An act in relation to sewerage and drainage in the city of Brooklyn.'"

"An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose."

"An act to incorporate the Bethlehem Mutual Insurance Association, and for other purposes."

"An act to authorize the board of commissioners of emigration to mortgage the lands of the State on Ward's Island, and to extinguish the liabilities against the said board."

"An act making an appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish."

"An act in relation to water companies."

"An act for the better regulation of railroad companies, and the election of the officers of the same."

The Senate bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Roscoe
Badger	Davis	W. A. Johnson	Russell
Barkley	Dessar	Kennaday	Schenck
Beach	Edson	Kirk	Sherman
Benedict	Ely	Krack	Shiel
Berry	Farrar	Law	Slingerland
Bordwell	Faulkner	Lawrence	Speaker
Bowen	Fish	Lewis	Stanf
Bradley	Friend	Lillybridge	Struble
Braman	Gallagher	Lincoln	Talmage
Brown	Green	McAfee	G. Taylor
Burtis	Griffin	McGowan	Tewksbury
Calkins	Hanrahan	McGroarty	Vosburgh
T. C. Campbell	Hauschel	Merwin	Waehner
T. J. Campbell	Hepburn	Muller	Wenzel
Christopher	Hess	Oakley	Whitmore
Clark	Hinckley	Page	Witbeck
Comstock	Holmes	Petty	Worth
Cooke	Hussey	Pope	Wurts
Costigan	Husted	Reilly	Yost

For the negative,

Prince

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Davis moved to reconsider the vote to recommit to the committee on affairs of villages the bill entitled "An act to change the name of the village of Sandy Hill to that of Hudson Falls," with instructions to strike out the enacting clause, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,' passed February 28, 1873," being announced for a third reading,

On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows:

Page 10, line 26, engrossed bill, strike out the word "town" and insert the word "city."

Section 28, line 7, after the word "clerk" insert the word "of."



Section 29, line 2, after the word "of" insert the words "title 7 of."  
Insert the following as section 31:

"§ 31. Subdivision fifty-two of section six of title seven is hereby amended so as to read as follows:

"52. To designate two public newspapers published in said city, in which all notices and papers and proceedings required by law shall be published, and to provide for the publication of the laws and ordinances of the city. Such papers shall be designated by ballot. No ballot shall name more than one newspaper. And the two newspapers receiving the greatest number of votes shall be the newspapers designated, provided such papers are of opposite politics, and fairly represent the two principal political parties into which the people of the city are divided, and provided, further, that said papers so designated shall have the largest circulation in the city. If said papers so balloted for and chosen are not of opposite politics, and do not fairly represent the two principal political parties into which the people of the city are divided, or if said papers shall not have the largest circulation within said city, such balloting and choice shall be of no effect, and the balloting shall continue until two papers (if such there be in the city) are chosen that meet the requirement of this section. In case of the refusal of such newspapers to publish any notice or ordinance, or other matter required to be published, for the fees allowed by law, and in case of a failure of the common council to choose two newspapers in accordance with the provisions of this section, then any such notice may, with like effect, be published in any other newspaper in said city, or the same may be published by printed handbills posted in at least four public places in each ward of said city."

Change section 31 to section 32, and the subsequent sections to correspond.

Section 33, line 13, after the word "maximum" insert the words "or minimum," and strike out in line 15, same section, after the word "minimum" the words "or maximum."

Section 38, after the word "shall" in line 27, insert the words "before filing their said report." Strike out the word "expenses" in line 45, same section, and insert the word "assessment."

Section 41, line 19, strike out the word "imperative" and insert the word "inoperative."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 ;  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lincoln	Sherman
Barkley	Farrar	McAfee	Sherwood
Beach	Faulkner	McGowan	Silverman
Benedict	Fish	McGroarty	Slingerland
Bennett	Friend	Merwin	Speaker
Bishop	Hammond	J. W. Miller	Stephens
Bradley	Hanrahan	Oakley	Talmage
Braman	Hess	Page	G. Taylor

**MAY 6.]**

**1857**

Brogan	Hinokley	Peck	Tewksbury
Brown	Holmes	Pierson	Vedder
Burtis	Hussey	Pope	Vosburgh
Calkins	Ives	Ransom	Waehner
T. C. Campbell	W. Johnson	Reilly	Wenzel
T. J. Campbell	Keenan	Roscoe	West
Cole	Kirk	Russell	Willis
Comstock	Krack	Sanford	Witbeck
Costigan	Law	Schenck	Worth
Daly	Lawson	Schieffelin	Wurts
Dessar	Lewis	Schuyler	Yost
Edson	Lillybridge	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn,' passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lillybridge	Sherman
Beardsley	Fish	Lincoln	Sherwood
Bennett	Friend	Mackin	Shiel
Berry	Gallagher	McAfee	Smith
Bordwell	Green	McGowan	Stacy
Broas	Griffin	McGroarty	Stephens
Brown	Hanrahan	J. W. Miller	Struble
Calkins	Hauschel	Oakley	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hinckley	Petty	Tewksbury
Christopher	Holmes	Pierson	Vedder
Clark	Houghton	Prince	Vosburgh
Cole	Ives	Ransom	Wenzel
Comstock	W. Johnson	Roscoe	West
Costigan	Kirk	Russell	Whitmore
Daly	Krack	Sanford	Witbeck
Decker	Law	Schuyler	Worth
Edson	Lawrence	Scudder	Wurts
Ely	Lawson	Shattuck	Yost
Farrar			

For the negative,  
Barkley

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate bill entitled "An act in relation to railroad corporations," being announced for a third reading,

Mr. T. C. Campbell moved to recommit said bill to the committee on railroads, with instructions to make the following amendments, and report forthwith:

Strike out the amendment made by the House, in line 3, section 1, engrossed bill, and insert in lieu thereof the words "except such as may have been organized for the purpose of constructing or operating a railroad in the city of New York or the county of Kings."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Mackin, from the committee on railroads, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Badger	Edson	Law	Shattuck
Barkley	Ely	Lawrence	Sherwood
Beach	Farrar	Lawson	Silverman
Benedict	Faulkner	Lillybridge	Slingerland
Bennett	Fish	Lincoln	Speaker
Berry	Friend	Mackin	Stauf
Bordwell	Gallagher	McAfee	Stephens
Bradley	Gedney	McGowan	Struble
Broas	Green	Merwin	G. Taylor
Brogan	Hammond	J. W. Miller	W. F. Taylor
Burtis	Hanrahan	Oakley	Vedder
Calkins	Hepburn	Page	Vosburgh
T. C. Campbell	Hinckley	Petty	Wellington
T. J. Campbell	Hogan	Pope	West
Christopher	Houghton	Prince	Whitmore
Clark	Hussey	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Costigan	W. Johnson	Roscoe	Worth
Daggett	W. A. Johnson	Sanford	Wurts
Daly	Keenan	Schenck	Yost
Decker	Kirk	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate returned the bill entitled "An act to incorporate the Western Railroad Company," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate bill entitled "An act to release the right, title and interest of the people of the State of New York in and to certain real estate of which James Gillen died seized, to Elizabeth Ryall, late widow of the said James Gillen, deceased, and now wife of Christopher Ryall," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schenck
Badger	Dessar	Kirk	Schieffelin
Barkley	Edson	Krack	Schuyler
Barrow	Ely	Law	Scudder
Beach	Farrar	Lawrence	Sherman
Beardsley	Faulkner	Lawson	Shiel
Benedict	Fish	Lewis	Smith
Bennett	Friend	Lillybridge	Speaker
Berry	Gallagher	Lincoln	Stephens
Bordwell	Green	Mackin	Struble
Bradley	Griffin	McAfee	Talmage
Braman	Hammond	McGowan	G. Taylor
Brogan	Hanrahan	McGroarty	Tewksbury
Brown	Hauschel	Merwin	Vedder
Burtis	Hepburn	Oakley	Vosburgh
Calkins	Hess	O'Keefe	Waehner
T. C. Campbell	Hinckley	Peck	Wenzel
T. J. Campbell	Holmes	Petty	West
Christopher	Hussey	Pierson	Willis
Clark	Husted	Ransom	Witbeck
Comstock	Ives	Reilly	Worth
Cosigan	W. Johnson	Roscoe	Wurts
Daggett	W. A. Johnson	Russell	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act regulating the erection and maintenance of fire escapes upon certain buildings, and for the better security of life in case of fire," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schieffelin
Barkley	Dessar	Law	Scudder
Barrow	Edson	Lawrence	Seward
Beach	Ely	Lawson	Sherman
Beardsley	Farrar	Lewis	Shiel
Benedict	Faulkner	Lillybridge	Silverman
Bennett	Fish	Lincoln	Speaker

Bishop	Gallagher	McAfee	Stauf
Bowen	Green	McGowan	Stephens
Braman	Hammond	McGroarty	Talmage
Broas	Hanrahan	Merwin	G. Taylor
Burtis	Hauschel	J. W. Miller	W. F. Taylor
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hinckley	Page	Vosburgh
T. J. Campbell	Holmes	Petty	Wellington
Clark	Hussey	Pierson	Wenzel
Cleary	Husted	Pope	Whitmore
Comstock	W. Johnson	Ransom	Willis
Costigan	W. A. Johnson	Rich	Witbeck
Daggett	Kennaday	Russell	Wurts
Daly	Kirk	Sanford	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act supplemental to chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Law	Scudder
Badger	Dessar	Lawrence	Shattuck
Barrow	Edson	Lewis	Sherman
Beach	Ely	Lillybridge	Shiel
Beardsley	Faulkner	Lincoln	Silverman
Bennett	Fay	McAfee	Smith
Bishop	Gallagher	McGowan	Speaker
Bowen	Gedney	McGroarty	Stauf
Bradley	Griffin	Merwin	Struble
Broas	Hammond	Muller	Talmage
Brogan	Hanrahan	O'Keefe	W. F. Taylor
Burtis	Hepburn	Page	Tewksbury
Calkins	Hess	Petty	Vedder
T. C. Campbell	Hussey	Pierson	Vosburgh
T. J. Campbell	Husted	Ransom	Wellington
Christopher	Ives	Rich	Willis
Cleary	Keenan	Roscoe	Witbeck
Comstock	Kennaday	Sanford	Worth
Costigan	Kirk	Schenck	Wurts
Daly	Krack	Schuyler	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend section 6 of title 4 of chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Law	Sherwood
Badger	Daly	Lawson	Shiel
Barrow	Decker	Lillybridge	Slingerland
Beach	Edson	Mackin	Stacy
Benedict	Farrar	McGowan	Stauf
Bennett	Faulkner	McGroarty	Stephens
Bishop	Fay	J. W. Miller	Talmage
Bordwell	Fish	Muller	G. Taylor
Bradley	Friend	O'Keefe	Tewksbury
Braman	Gallagher	Peck	Tremain
Brogan	Green	Pierson	Vosburgh
Brown	Hammond	Prince	Waehner
Calkins	Hauschel	Ransom	Wenzel
T. C. Campbell	Hinckley	Roscoe	West
T. J. Campbell	Hussey	Russell	Whitmore
Christopher	Ives	Schenck	Witbeck
Cleary	W. Johnson	Schuyler	Worth
Cole	Keenan	Soudder	Wurts
Cooke	Kirk	Seward	Yost
Costigan	Krack	Sherman	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to enlarge the board of education in union free school district No. 6, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said district, and to erect thereupon a new school-house, and to provide for the raising of money therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schuyler
Badger	Dessar	Law	Seward
Barkley	Edson	Lawrence	Sherman
Beach	Farrar	Lawson	Sherwood
Beardsley	Faulkner	Lillybridge	Smith
Bennett	Fish	Lincoln	Speaker

Bishop	Friend	McAfee	Stauf
Bordwell	Gallagher	McGowan	Stephens
Bradley	Green	McGroarty	Talmage
Braman	Hammond	J. W. Miller	G. Taylor
Brown	Hanrahan	Muller	W. F. Taylor
Burtis	Hepburn	O'Keefe	Tremain
Calkins	Hess	Page	Vedder
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Holmes	Pierson	Wellington
Christopher	Hussey	Prince	West
Clark	Ives	Reilly	Whitmore
Comstock	W. Johnson	Roscoe	Willis
Cooke	W. A. Johnson	Russell	Worth
Costigan	Kennaday	Schenck	Yost
Daly	Kirk		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to release the title and interest of the people of the State of New York in and to certain real estate of which Henry Doyle, late of the city of Auburn, in the State of New York, died seized, to Bridget Doyle," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lincoln	Sherman
Badger	Farrar	McAfee	Sherwood
Barrow	Faulkner	McGowan	Shiel
Beardsley	Fish	Merwin	Silverman
Benedict	Gallagher	J. W. Miller	Slingerland
Berry	Green	Muller	Smith
Bishop	Hammond	O'Keefe	Speaker
Bowen	Hauschel	Petty	Stauf
Braman	Hepburn	Pierson	Stephens
Broas	Hess	Prince	Struble
Brown	Hinckley	Ransom	G. Taylor
Burtis	Holmes	Reilly	W. F. Taylor
Calkins	Houghton	Rich	Tremain
T. C. Campbell	Husted	Roscoe	Vedder
T. J. Campbell	Ives	Russell	Waehner
Christopher	W. Johnson	Sanford	Wellington
Cole	Keenan	Schenck	West
Cooke	Kirk	Schieffelin	Whitmore
Costigan	Krack	Schuyler	Witbeck
Daly	Law	Scudder	Worth
Davis	Lawrence	Seward	Wurts
Decker	Lewis	Shattuck	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.



The Senate bill entitled "An act for the relief of Catharine T. Wetmore and her children," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Scudder
Badger	Ely	Lewis	Shattuck
Barkley	Farrar	Lillybridge	Sherman
Beach	Faulkner	Lincoln	Shiel
Benedict	Friend	Mackin	Silverman
Bennett	Gallagher	McAfee	Smith
Berry	Griffin	McGowan	Speaker
Bordwell	Hammond	McGroarty	Stauf
Broas	Hauschel	J. W. Miller	Struble
Brown	Hess	Muller	Talmage
Burtis	Hinckley	Oakley	G. Taylor
Calkins	Holmes	O'Keefe	W. F. Taylor
T. C. Campbell	Houghton	Petty	Tremain
T. J. Campbell	Hussey	Pierson	Vedder
Christopher	Ives	Prince	Vosburgh
Clark	W. Johnson	Ransom	Waehner
Comstock	W. A. Johnson	Rich	Whitmore
Costigan	Keenan	Roscoe	Witbeck
Daly	Kirk	Sanford	Worth
Davis	Krack	Schenck	Wurts
Dessar	Law	Schuyler	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 73 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schieffelin
Badger	Edson	Krack	Scudder
Barrow	Ely	Lawrence	Shattuck
Beach	Farrar	Lawson	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Berry	Fream	Lincoln	Slingerland
Bordwell	Gallagher	McAfee	Smith

Braman	Gedney	McGowan	Stacy
Brogan	Griffin	McGroarty	Stephens
Brown	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Houghton	Pope	Wellington
Christopher	Husted	Prince	Whitmore
Clark	W. Johnson	Reilly	Willis
Comstock	W. A. Johnson	Russell	Witbeck
Costigan	Keenan	Sanford	Worth
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 508 of the Laws of 1874, entitled 'An act to authorize the construction of a railway from Vesey street through certain streets in the city of New York to the South ferry,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Scudder
Barkley	Edson	Krack	Seward
Barrow	Ely	Law	Sherman
Benedict	Farrar	Lawrence	Shiel
Bennett	Faulkner	Lillybridge	Silverman
Berry	Friend	Lincoln	Smith
Bordwell	Gallagher	Mackin	Speaker
Braman	Green	McAfee	Stauf
Brogan	Griffin	McGowan	Struble
Burtis	Hammond	McGroarty	Talmage
Calkins	Hanrahan	J. W. Miller	G. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Peck	Vedder
Christopher	Hogan	Pierson	Vosburgh
Clark	Houghton	Prince	Waehner
Coffey	Ives	Ransom	West
Comstock	W. Johnson	Reilly	Willis
Costigan	W. A. Johnson	Rich	Witbeck
Daggett	Keenan	Russell	Wurts
Daly	Kennaday	Schenck	

For the negative,

Muller

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the power and duties and com-

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pensation of the captain of the port and harbor-masters of the port of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 77 }**  
**{ NOES 1 }**

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Seward
Badger	Ely	Lawson	Sherman
Barrow	Faulkner	Lillybridge	Sherwood
Beach	Friend	Lincoln	Shiel
Benedict	Gallagher	Mackin	Smith
Bennett	Green	McAfee	Stauf
Bordwell	Hammond	McGowan	Struble
Bowen	Hanrahan	McGroarty	Talmage
Broas	Hepburn	J. W. Miller	G. Taylor
Brown	Hess	Oakley	Tewksbury
Burtis	Holmes	Page	Tremain
Calkins	Houghton	Petty	Vosburgh
T. C. Campbell	Ives	Pierson	Waehner
T. J. Campbell	W. Johnson	Prince	Wenzel
Christopher	Keenan	Ransom	Whitmore
Clark	Kennaday	Rich	Willis
Comstock	Kirk	Russell	Worth
Daggett	Krack	Schenck	Wurts
Decker	Law	Schuyler	Yost

For the negative,

Costigan

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in-regard to the boundary monuments of the State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 80 }**  
**{ NOES 00 }**

Those who voted in the affirmative, were

Alvord	Farrar	Lawrence	Shattuck
Badger	Faulkner	Lawson	Sherwood
Barkley	Fish	Lillybridge	Silverman
Beach	Friend	Mackin	Slingerland
Benedict	Gallagher	McGowan	Smith
Berry	Gedney	McGroarty	Stacy
Bordwell	Griffin	Merwin	Stephens

Bradley	Hammond	J. W. Miller	Talmage
Braman	Hauschel	Oakley	G. Taylor
Brown	Hess	O'Keefe	W. F. Taylor
Calkins	Hinckley	Petty	Tremain
T. C. Campbell	Hogan	Pierson	Vedder
T. J. Campbell	Hussey	Prince	Vosburgh
Clark	Husted	Ransom	Wenzel
Comstock	Ives	Rich	Whitmore
Costigan	W. Johnson	Russell	Willis
Daggett	Keenan	Sanford	Witbeck
Daly	Kennaday	Schieffelin	Worth
Dessar	Krack	Schuyler	Wurts
Edson	Law	Seward	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to confer power on the judges of the superior court of Buffalo to make orders in actions pending in the supreme court," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Shattuck
Badger	Farrar	Lewis	Sherwood
Barrow	Faulkner	Lillybridge	Shiel
Beardsley	Fish	Lincoln	Slingerland
Bennett	Friend	Mackin	Speaker
Berry	Gallagher	McAfee	Stauf
Bordwell	Green	McGroarty	Struble
Bradley	Hammond	J. W. Miller	G. Taylor
Braman	Hanrahan	Muller	W. F. Taylor
Broas	Hepburn	O'Keefe	Tremain
Brown	Hess	Peck	Vedder
Burtis	Hogan	Pierson	Vosburgh
Calkins	Holmes	Pope	Wellington
T. C. Campbell	Hussey	Ransom	Wenzel
T. J. Campbell	Ives	Reilly	Whitmore
Cole	W. A. Johnson	Roscoe	Willis
Comstock	Kennaday	Russell	Witbeck
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schuyler	Wurts
Davis	Law	Seward	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York,'" being announced for a third reading,

On motion of Mr. Schieffelin, and by unanimous consent, said bill was amended as follows:

Section 1, line 18, engrossed bill, strike out the word "collector" and insert the words "present receiver."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 10 }

Those who voted in the affirmative, were

Alvord	Costigan	Houghton	Roscoe
Badger	Daly	Hussey	Sanford
Barkley	Decker	Ives	Schenck
Barrow	Dessar	W. Johnson	Schieffelin
Beach	Edson	W. A. Johnson	Schuyler
Benedict	Ely	Krack	Seward
Berry	Farrar	Kshinka	Shattuck
Bishop	Faulkner	Lewis	Sherman
Bradley	Fay	Lillybridge	Sherwood
Braman	Fish	McAfee	Shiel
Broas	Friend	McGroarty	Silverman
Brogan	Green	Merwin	Speaker
Burtis	Griffin	J. W. Miller	Stauf
Calkins	Hanrahan	Oakley	Stephens
T. C. Campbell	Hauschel	Page	Struble
T. J. Campbell	Hepburn	Peck	G. Taylor
Christopher	Hess	Prince	Wenzel
Clark	Hinckley	Ransom	Witbeck
Comstock	Holmes	Rich	Worth
Cooke			

Those who voted in the negative, were

Cleary	Keenan	Reilly	Willis
Gedney	Lawson	Tewksbury	Yost
Husted	McGowan		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Burtis moved to recommit to the committee of the whole the bill entitled "An act to amend an act entitled 'An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of 1873, passed June 28, 1873," retaining its place on third reading of bills.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The Senate bill entitled "An act to repeal sections 6, 8, 9, 10, 11, 12 13 and 15, and the preamble of chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868; also chapter 282 of the Laws of 1869, entitled 'An act to amend an act

entitled 'An act to authorize the drainage of marsh lands,' passed April 22, 1869, and for repayment to said Marsh Land Company of moneys paid by them into the treasury of the State in pursuance of said chapter 864 of the Laws of 1868," being announced for a third reading,

Mr. Waehner moved to recommit said bill to the committee on the judiciary, with instructions to strike out the enacting clause.

Debate was had thereon, when,

Pending the question, the hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

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### HALF-PAST SEVEN O'CLOCK.

The House again met.

The Senate returned the bills entitled as follows:

"An act to provide means for the establishment and equipment of the building erected on that portion of the Central park formerly known as Manhattan square, in the city of New York, under the provisions of chapter 290, Laws of 1871, for the purposes of a museum of natural history."

"An act to release to Maria Allen the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn."

"An act to authorize the court of oyer and terminer and court of sessions of the county of Kings to sentence prisoners convicted in said courts, of any offense, to the penitentiary of said county for any term for which they might be sentenced to a State prison."

"An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to further amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village.'"

"An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city,' passed April 7, 1866."

"An act to confirm, reduce and levy a certain assessment for improving Morton street, in the city of Albany."

"An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire.'"

"An act for the relief of Wheeler H. Bristol."

"An act providing for the appointment of marshals in the annexed district in the city and county of New York."

"An act for the incorporation of library societies."

"An act to amend an act entitled 'An act for the relief of the surviving members of the first regiment of New York volunteers who served in the war with Mexico.'"

"An act permitting fishing with gill nets for suckers in Schuyler's lake."

"An act in relation to the Croton aqueduct of the city of New York."

"An act to provide for the purchase of a site and the erection of a school-house in school district No. 3 of the town of Flatbush, in the county of Kings."

"An act in relation to the Flushing high school in school district No. 5 of the town of Flushing, Queens county."

*Ordered*, That the Clerk deliver said bills to the Governor

A message from the Senate was received and read, informing of non-concurrence in the passage of the bills entitled as follows:

"An act to enlarge the jail limits of the county of Yates."

"An act to amend article 3 of title 3 of chapter 6 of part 2 of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate."

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof."

"An act to amend the act entitled 'An act to provide for supplying the city of Hudson with pure and wholesome water,' passed May 7, 1873."

*Ordered*, That the Clerk return said bills to the Senate.

Mr. McGroarty, from the sub-committee of the whole, submitted a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 158.)

By unanimous consent,

Mr. Sherman, from the committee on State prisons, to which was referred the Senate bill introduced by Mr. Dickinson, printed No. 159, entitled "An act in relation to the State prisons and penitentiaries of this State," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Sherman, and by unanimous consent, said bill was made a special order for Monday evening next.

On motion of Mr. Waehner, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 564, entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court," and that the same be ordered to a third reading.

On motion of Mr. Calkins, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 590, entitled "An act to amend chapter 795 of the Laws of 1872, entitled 'An act to authorize the formation of a separate road district in the county of Essex,'" for the purpose of amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.



By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was recommitted the bill introduced by Mr. G. Taylor, Int. No. 261, entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," retaining its place on general orders, reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill recommitted to the committee of the whole.

By unanimous consent,

Mr. G. Taylor from the committee on public education, to which was referred the bill introduced by Mr. Burtis, Int. No. 706, entitled "An act to authorize supervisors to make compensation in case of separation or division of a school district," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Sherman, Int. No. 349, entitled "An act to unify the supervisory department of the educational system of the State of New York," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Russell, Int. No. 416, entitled "An act to secure a more uniform qualification of teachers of public schools," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Roscoe, Int. No. 461, entitled "An act to amend section 69 of title 7 of an act entitled 'An act to revise and consolidate the general acts relating to public instruction as amended by subsequent statutes,' passed May 2, 1864," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Krack, Int. No. 524, entitled "An act to abolish the office of district school commissioner in the several counties of this State, and elect a county superintendent," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Vosburgh, Int. No. 594, entitled "An act to create a department of education, and to reorganize the board known as the Regents of the University of the State of New York," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Lincoln, Int. No. 577, entitled "An act to amend section 1 of chapter 777 of the Laws of 1873, entitled 'An act to amend an act for the suppression of the traffic and circulation of obscene literature,' passed June 14, 1872," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. J. W. Miller, Int. No. 397, entitled

"An act to amend an act entitled 'An act to amend the act entitled An act to provide for the establishment of free schools in the village of Newburgh, passed April 6, 1852, passed March 7, 1865,' passed April 6, 1869," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the bill introduced by Mr. Stephens, Int. No. 243, entitled "An act to enlarge the board of education in union free school district No. 6, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said district, and to erect thereupon a new school-house, and to provide for the raising of money therefor," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the Senate bill introduced by Mr. Wellman, Int. No. 196, entitled "An act to repeal section 3 of chapter 120 of the Laws of 1870, being an act authorizing the town of Friendship to raise moneys by tax in aid of Friendship academy," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. McGowan, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 504, entitled "An act to secure free exercise and enjoyment of religious profession and worship without discrimination or preference to all mankind confined in State prisons and other places of confinement," and that the same be ordered to a third reading.

By unanimous consent, Mr. J. W. Miller introduced a bill entitled "An act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. J. W. Miller, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. G. Taylor, Int. No. 1035, entitled "An act to appoint commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act to authorize the appointment of commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester," which report was agreed to.

On motion of Mr. G. Taylor, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Bradley, Int. No. 981, entitled "An act to amend an act entitled 'An act relating to certain assessment proceedings in the city of Brooklyn, and providing for payment of work done thereunder,' passed May , 1874," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act to amend chapter 387 of the Laws of 1874, entitled 'An act relating to certain assessment proceedings in the city of Brooklyn, and providing for payment of work done thereunder,'" which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Stephens, Int. No. 354, entitled "An to amend an act entitled 'An act to incorporate the Richmond Hotel Company of Staten Island,' passed May 5, 1870," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 676 of the Laws of 1870, entitled 'An act to incorporate the Richmond Hotel Company of Staten Island,'" which report was agreed to.

On motion of Mr. Stephens, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the bill introduced by Mr. Stephens, Int. No. 1023, entitled "An act to incorporate the fire department of the North Shore of Staten Island," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kennaday, from the committee on general laws, to which was referred the Senate bill introduced by Mr. Coe, Int. No. 172, entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on ways and means, to which was referred the Senate bill, Int. No. 208, entitled "An act further to amend chapter 312 of the Laws of 1859, entitled 'An act to equalize the State tax among the several counties of this State,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Kennaday, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," and the same ordered engrossed and to a third reading.

Mr. Speaker announced the question pending at the hour of recess to be upon the motion of Mr. Waehner to recommit the Senate bill entitled "An act to repeal sections 6, 8, 9, 10, 11, 12, 13 and 15, and the preamble of chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, also chapter 282 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the drainage of marsh lands,' passed April 22, 1869, and

for the repayment to said Marsh Land Company of moneys paid by them into the treasury of the State in pursuance of said chapter 864 of the Laws of 1868," to the committee on the judiciary with instructions to strike out the enacting clause.

Debate was had thereon, when

Mr. Prince moved as an amendment that said bill be recommitted to the committee on the judiciary, with instructions to strike out section 2 and insert in lieu thereof the following, and that they report back forthwith:

"§ 2. The Commissioners of the Land Office are hereby authorized and empowered, as a board of audit, to examine any claim for damage or otherwise of the said Marsh Land Company, founded on amounts actually expended or liabilities actually incurred by said company under said acts or either of them, and audit the same, and report to the next Legislature."

Mr. Vedder offered the following as a substitute:

"§ 2. The Commissioners of the Land Office are hereby authorized and empowered to examine any claim for damage of the said Marsh Land Company, founded on amounts actually expended or liabilities actually incurred by said company under said acts, or either of them, and report to the next Legislature."

Mr. Prince accepted the substitute.

Mr. Vedder moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said substitute of Mr. Vedder, and it was determined in the affirmative.

Mr. Waehner, from the committee on the judiciary, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 24 }

Those who voted in the affirmative, were

Badger	Decker	Kshinka	Schieffelin
Beach	Dessar	Law	Schuyler
Bearçsley	Ely	Lillybridge	Soudder
Bennett	Farrar	Lincoln	Seward
Bishop	Faulkner	Mackin	Shattuck
Bordwell	Fay	McAfee	Sherman
Bradley	Gallagher	McGowan	Sherwood
Broas	Gedney	McGroarty	Smith
Brogan	Green	Merwin	Stacy
Burtis	Hauschel	Muller	Stephens
Calkins	Hepburn	Oakley	Talmage
T. C. Campbell	Hinckley	O'Keefe	W. F. Taylor
T. J. Campbell	Hogan	Peck	Tewksbury
Clark	Holmes	Petty	Vedder
Cleary	Hussey	Pierson	Vosburgh

Coffey	Husted	Pope	Wellington
Comstock	Ives	Prince	West
Cooke	W. Johnson	Reilly	Whitmore
Costigan	Keenan	Roscoe	Willis
Daggett	Kennaday	Russell	Wurts
Daly	Kirk	Sanford	Yost
Davis			

Those who voted in the negative, were

Alvord	Fish	Lawson	Schenck
Barkley	Friend	Lewis	Shiel
Benedict	Griffin	J. W. Miller	Slingerland
Berry	Hammond	Page	Waehner
Brown	Krack	Ransom	Wenzel
Cole	Lawrence	Rich	Witbeck

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

Mr. Daly moved to lay the present order of business upon the table, for the purpose of taking up the order of business, "consideration of general orders."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Daly offered for the consideration of the House a resolution, in the words following:

*Resolved*, That Assembly bills Nos. 673 and 674, and Senate bill No. 211, be made a special order for to-morrow (Friday) immediately after the reading of the journal.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alvord moved that the bill entitled "An act to repeal an act in relation to the inspection of steam boilers in the State of New York," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Badger, from said committee, reported that pending the division of a question it appeared that no quorum was present.

Mr. Speaker ordered a call of the roll, and the following members answered to their names:

Alvord	Dessar	Lillybridge	Shattuck
Badger	Edson	Lincoln	Sherwood
Barkley	Ely	Mackin	Shiel
Benedict	Faulkner	McGowan	Speaker
Bennett	Fay	Oakley	Stephens
Berry	Fish	O'Keefe	W. F. Taylor

Bishop	Hammond	Page	Vedder	
Broas	Hanrahan	Petty	Waehner	
Brogan	Hogan	Pierson	Wellington	
Calkins	Holmes	Pope	Wenzel	
T. C. Campbell	Hussey	Roscoe	West	
Clark	Husted	Russell	Whitmore	
Cooke	Law	Schenck	Willis	
Decker	Lewis	Seward	Witbeck	56

Mr. Alvord moved a call of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Waehner, at 10 o'clock and 50 minutes, the House adjourned.

## FRIDAY, MAY 7, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bills entitled as follows:

"An act to amend chapter 361 of the Laws of 1863, entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania.'"

"An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State."

"An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter.'"

"An act for the relief of the Cypress Hills Cemetery."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent,

Mr. Oakley, from the committee on insurance, to which was referred the bill introduced by Mr. Struble, Int. No. 1066, entitled "An act to regulate insurance upon property of deceased persons," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Struble, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. Hepburn, and by unanimous consent, the bill entitled "An act to unify the supervisory department of the educational system of the State of New York," was ordered considered in the first committee of the whole not full.

On motion of Mr. Vosburgh, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rennselaer Bridge Company," and the same ordered engrossed and to a third reading.



By unanimous consent, Mr. Pope introduced a bill entitled "An act to amend an act entitled 'An act for the preservation of fish in the river St. Lawrence,' passed June 12, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pope, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Speaker announced the first business in order to be the question pending in committee of the whole when the House adjourned last night.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York, also of Clyde and Seneca rivers, in counties of Wayne and Cayuga.'"

"An act to repeal an act in relation to the inspection of steam boilers in the State of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Badger, from said committee, reported in favor of the passage of said first and second mentioned bills, with amendments; which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Badger, from said committee, also reported in favor of the passage of said third mentioned bill, with the title amended so as to read "An act to repeal chapter 969 of the Laws of 1867, entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the Metropolitan police district;" which report was agreed to, and said bill ordered engrossed and to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act in relation to cleaning the streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

A message from the Senate was received and read, informing of non-concurrence in the passage of the resolution authorizing the printing of 1,500 extra copies of the report of the committee on ways and means of 1874 on assessments and taxation.

Also, a like message, with reference to a resolution directing the Regents of the University to cause to be printed 2,000 copies of the revised report on the noxious, beneficial and other insects of the State, by Dr. Asa Fitch.

The Senate returned the resolution authorizing the joint committee of the Senate and Assembly appointed to investigate into the canal frauds to sit during the recess of the Legislature to complete their investigation, with a message informing of concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That 1,000 copies of the report of the Commissioners of Fisheries of the State of New York be printed for the use of the Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate returned the resolution directing the printing of 3,000



copies of the Canal Commissioners' report for the year ending September 30, 1874, also 200 copies of Prof. F. N. Benedict's report upon the head waters of the Hudson and Raquette rivers included therein, with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out in line 2 the words "on fine paper." After the words "remainder in paper," in line 6, strike out the remainder of the resolution.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative.

{ AYES 73 }  
{ NOES 12 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Sanford
Barkley	Decker	Kshinka	Schenck
Barrow	Edson	Law	Schuyler
Benedict	Farrar	Lawrence	Scudder
Berry	Fay	Lawson	Seward
Bishop	Friend	Lillybridge	Sherman
Bordwell	Gallagher	Lincoln	Silverman
Bradley	Gedney	Mackin	Slingerland
Braman	Green	McGroarty	Smith
Brogan	Hanrahan	J. W. Miller	Struble
Burtis	Hepburn	Muller	Talmage
Calkins	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Houghton	Pierson	Tewksbury
Clark	Husted	Pope	Tremain
Cole	Ives	Prince	Vedder
Comstock	W. Johnson	Ransom	Wellington
Cooke	W. A. Johnson	Reilly	Witbeck
Costigan	Kennaday	Russell	Yost
Daggett			

Those who voted in the negative, were

Hammond	Lewis	G. Taylor	Whitmore
Hauschel	Peck	Waehner	Worth
Hogan	Sherwood	Wenzel	Wurts

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the resolution requesting the Governor to return Assembly bill No. 590, entitled "An act to amend chapter 595 of the Laws of 1872, entitled 'An act to authorize the formation of a separate road district in the county of Essex,'" for amendment, with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the bill entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," with a message informing of concurrence in the passage of the same, with the following amendments:

Page 1, line 31, strike out the word "misdemeanors" and insert the words "offenses where the punishment prescribed is imprisonment for a term less than five years."

Page 2, line 11, after the word "one" insert the word "hundred." Line 12, after the word "authorized" insert the words "except in the counties of Kings and Erie and Albany." Line 13, after the word "of," first occurring, insert the word "all." Line 25, after the word "change" insert the following: "but the provisions of this subdivision shall not apply to any case where provision is already made by special law for the purchase or sale of sites, the location, erection, care, purchase or sale of any county buildings."

Page 4, line 26, strike out the word "thereof."

Page 5, strike out all of said page after the word "respectively" in line 28, down to and including the word "commissioners" in line 7, page 6, and insert the following: "If any town at a regular town meeting held between the first day of February, 1875, and the passage of this act shall have elected commissioners for the purpose of building a bridge and providing money to pay for the same by the issuing of bonds or otherwise, such bonds not exceeding the amount authorized at such town meeting, are hereby authorized and declared valid; but said bonds shall not be sold or otherwise disposed of for less than par. And the board of supervisors shall levy a tax on such town for the payment of such indebtedness at such times and in such amounts as may be necessary to meet the obligation incurred by said commissioners, in pursuance of instructions given by such town at the time of electing such commissioners. But the provisions of subdivision three, four, five and six shall not apply to the location, construction, care or maintenance of any bridge located wholly within any incorporated city."

Page 7, strike out all of said page and insert the following:

"9. To authorize in any county containing any incorporated city of one hundred thousand inhabitants or upward, when any territory adjoining such city has been mapped out in pursuance of law into streets and avenues, conforming to and forming an extension of the system of streets and avenues of such city, close and change of line of any such street or avenue."

Page 8, line 6, strike out the words "verifying location of highways."

Page 10, line 28, strike out the word "for" and insert the word "of." Line 29, after the word "or," third occurring, insert the word "vagrants." Line 30, strike out the word "for" and insert the words "or of."

Page 12, line 16, strike out the word "four" and insert the word "three." Line 21, strike out all of said page after the word "collected."

Page 13, strike out all of the page.

Page 14, line 3, after the word "lands" insert the words "outside of any incorporated city." Change "23" to "22," and "24" to "23."

Page 15, line 22, strike out the word "third" and insert the word "second." Change "25" to "24," and "26" to "25."

Page 16, line 14, strike out the word "reduce" and insert the word "designate." Change "27" to "26," "28" to "27," "29" to "28," and "30" to "29."

Page 17, line 3, strike out the word "four" and insert the word "three." Line 18, after the word "or" insert the word "to." Line 24, strike out the words "shall be" and insert the word "is." Line 35, strike out the words "numbered in the order of its passage and."

Page 18, line 8, strike out the word "then" and insert the word "the." Line 9, after the word "order" insert the words "of their passage."

Page 19, line 21, after the word "publication" insert the words "of a resolution of the board of supervisors, passed by a two-thirds vote of all the members thereof." Line 27, the words "six weeks previous" and insert the words "publication once in each week for six successive weeks of a." Same line, strike out the word "of" and insert the word "specifying." Line 29, strike out the words "shall be published."

Page 20, strike out section 6. Change section 7 to section 6, and section 8 to section 7. Line 23, after the word "contest" insert the words "unless the same shall have been determined by a court having jurisdiction thereof." Line 31, after the word "determine" insert the words "after the 15th day of November, 1875." Lines 33 and 34, strike out the words "and to fix the compensation of such publication" and insert the words "and whether in any and what newspapers, and what number of newspapers not to exceed two, the session laws and the official canvass shall be published, and to fix the compensation for such publication, except in the county of Kings."

Page 21, line 2, after the words "New York" insert the word "Albany." Line 4, strike out the word "five" and insert the word "three." Lines 30 and 31, strike out the words "the aggregate compensation of such supervisor" and insert the words "two hundred and fifty dollars." Change section 9 to section 8.

The amendments having been read,

Mr. Sherman moved to non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Sherman, Schuyler, Faulkner, Clark and Hepburn as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the bill entitled "An act to extend the boundaries of the city of Utica westerly," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. Section 1 of an act to revise the charter of the city of Utica, passed February 28, 1862, amended February 25, 1870, is hereby amended to read as follows: The district of country contained within the following boundaries, to wit: beginning at the point in the middle of the Mohawk river where the division line between lots numbered 101 and 102 in Cosby's manor intersects it; thence running southerly on said division line to the southerly line of the New York Central railroad; thence westerly along said southerly line of said railroad to the west line of the great lot 104 in said Cosby's manor; thence running south on said line to the north side of the Whitesboro road; thence running easterly on the north side of said Whitesboro road to the old division line between John S. Capron's and Jared C. Faass' land; thence running southerly along said division line to the line of New Hartford; thence easterly along the line of New Hartford to the westerly line of lot 101 in said Cosby's manor; thence southerly along said line of lot 101 to

the center of the road leading from Utica to Burr Stone Mills (so called); thence easterly in the center of said road to the westerly line of lot 100 in said Cosby's manor; thence southerly along said last-mentioned line to the line between the farms formerly owned by Samuel S. Thorn and John Butterfield; thence easterly along the last-mentioned line to the center of the old Seneca turnpike; thence easterly along the center of Sayton's Bush road (so called) to its intersection with the center of the road leading northerly through the farm formerly owned by Robert McBride; thence northerly in the center of said last-mentioned road to the present southerly bounds of the city of Utica; thence easterly along the present bounds of the city of Utica to the easterly bounds of Oneida county; thence northerly on the easterly bounds of Oneida county to the center of the Mohawk river; thence westerly up the middle of the Mohawk river to the place of beginning, shall hereafter constitute and be known as the city of Utica.

"§ 2. The territory herein described lying between the western boundaries of the city of Utica, as defined by section 1 of an act to revise the charter of the city of Utica, passed February 28, 1862, and the western boundaries of the said city, as herein defined, shall be annexed to and form a part of the second ward of said city.

"§ 3. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lewis	Sherwood
Badger	Fay	Lillybridge	Silverman
Barkley	Friend	Lincoln	Slingerland
Berry	Gallagher	Mackin	Smith
Bishop	Gedney	McGowan	Speaker
Bordwell	Green	McGroarty	Stacy
Bradley	Hanrahan	Merwin	Struble
Braman	Hauschel	J. W. Miller	G. Taylor
Broas	Hess	Muller	W. F. Taylor
Burtis	Hinckley	Oakley	Tewksbury
Calkins	Holmes	O'Keefe	Tremain
T. C. Campbell	Houghton	Page	Vedder
T. J. Campbell	Hussey	Petty	Vosburgh
Clark	Husted	Pope	Waehner
Coffey	Ives	Ransom	Wellington
Comstock	W. Johnson	Reilly	Wenzel
Cooke	W. A. Johnson	Rich	West
Costigan	Kennaday	Russell	Whitmore
Daggett	Kirk	Sanford	Willis
Daly	Krack	Schenck	Witbeck
Decker	Kshinka	Schuyler	Worth
Edson	Lawrence	Seward	Wurts
Ely	Lawson	Sherman	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to extend the time for the collection of the assessments for the improvement of Fulton avenue, in the town of New Lots, Kings county," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 8, engrossed bill, after the word "book" insert the word "provided."

Section 3, line 26, after the word "return" insert the words "the said treasurer shall forthwith certify the same to the Comptroller of the State of New York, who shall immediately pay to the said county treasurer the amount of said return, whereupon the said county treasurer shall apply the same to the payment of the bonds to be issued to redeem the certificates of indebtedness heretofore issued by the commissioners for the improvement of said Fulton avenue."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lawson	Scudder
Badger	Fay	Lillybridge	Seward
Barkley	Friend	Lincoln	Sherman
Benedict	Gallagher	Mackin	Sherwood
Berry	Gedney	McAfee	Slingerland
Bishop	Griffin	McGowan	Smith
Bowen	Hanrahan	McGroarty	Speaker
Broas	Hauschel	Merwin	Stauf
Brogan	Hess	J. W. Miller	Struble
Calkins	Hinckley	Oakley	Talmage
T. C. Campbell	Hogan	Page	G. Taylor
T. J. Campbell	Holmes	Peck	Tewksbury
Christopher	Houghton	Pierson	Vedder
Clark	Hussey	Pope	Waehner
Coffey	Ives	Prince	Wellington
Cole	W. Johnson	Ransom	West
Comstock	Kennaday	Rich	Whitmore
Cooke	Kirk	Roscoe	Worth
Costigan	Krack	Sanford	Wurts
Daly	Law	Schenck	Yost
Ely	Lawrence	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county," for amendment.

Mr. Krack moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Sanford
Badger	Edson	Krack	Schieffelin
Barrow	Ely	Kshinka	Schuyler
Beardsley	Farrar	Lawrence	Scudder
Benedict	Faulkner	Lawson	Shattuck
Bennett	Fish	Lillybridge	Sherman
Bordwell	Friend	Lincoln	Sherwood
Bradley	Gallagher	Mackin	Smith
Braman	Green	McAfee	Speaker
Broas	Griffin	McGowan	Stauf
Burtis	Hammond	McGroarty	Struble
Calkins	Hanrahan	Merwin	Talmage
T. C. Campbell	Hepburn	J. W. Miller	G. Taylor
T. J. Campbell	Hess	Oakley	Tewksbury
Christopher	Hinckley	Page	Vosburgh
Clark	Hogan	Peck	Wenzel
Cleary	Holmes	Pierson	West
Cole	Husted	Pope	Willis
Cooke	Ives	Prince	Witbeck
Costigan	W. Johnson	Reilly	Worth
Daly	Keenan	Rich	Wurts
Davis	Kennaday	Russell	Yost

On motion of Mr. Krack, and by unanimous consent, said bill was amended as follows:

Section 2, lines 3 and 4, strike out the words "be deemed guilty of a misdemeanor, and shall also."

Section 3, line 2, strike out the word "their" and insert the word "his." Same section, line 6, strike out the words "enforce and." Line 8, strike out the words "conviction and." Same line, strike out the word "thereon" and insert the words "the penalty."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Shattuck
Badger	Davis	Krack	Sherman
Barrow	Dessar	Law	Shiel
Beardsley	Edson	Lawrence	Smith



**MAY 7.]**

**1383**

<b>Benedict</b>	<b>Farrar</b>	<b>Lewis</b>	<b>Speaker</b>
<b>Bennett</b>	<b>Faulkner</b>	<b>Mackin</b>	<b>Stacy</b>
<b>Berry</b>	<b>Friend</b>	<b>McAfee</b>	<b>Stephens</b>
<b>Bordwell</b>	<b>Gallagher</b>	<b>McGroarty</b>	<b>Struble</b>
<b>Bradley</b>	<b>Gedney</b>	<b>J. W. Miller</b>	<b>Talmage</b>
<b>Broas</b>	<b>Griffin</b>	<b>Oakley</b>	<b>W. F. Taylor</b>
<b>Brogan</b>	<b>Hammond</b>	<b>Page</b>	<b>Tewksbury</b>
<b>Calkins</b>	<b>Hanrahan</b>	<b>Petty</b>	<b>Vedder</b>
<b>T. C. Campbell</b>	<b>Hess</b>	<b>Pierson</b>	<b>Vosburgh</b>
<b>T. J. Campbell</b>	<b>Hinckley</b>	<b>Prince</b>	<b>Wellington</b>
<b>Christopher</b>	<b>Hogan</b>	<b>Ransom</b>	<b>Wenzel</b>
<b>Clark</b>	<b>Houghton</b>	<b>Rich</b>	<b>Whitmore</b>
<b>Cleary</b>	<b>Husted</b>	<b>Roscoe</b>	<b>Willis</b>
<b>Cole</b>	<b>Ives</b>	<b>Schenck</b>	<b>Witbeck</b>
<b>Cooke</b>	<b>W. Johnson</b>	<b>Schuyler</b>	<b>Worth</b>
<b>Costigan</b>	<b>Kennaday</b>	<b>Seward</b>	<b>Wurts</b>

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act in relation to parsonages in certain cases."

Mr. Bordwell moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Edson</b>	<b>Lillybridge</b>	<b>Shiel</b>
<b>Barkley</b>	<b>Farrar</b>	<b>Mackin</b>	<b>Silverman</b>
<b>Beach</b>	<b>Faulkner</b>	<b>McGowan</b>	<b>Smith</b>
<b>Benedict</b>	<b>Friend</b>	<b>McGroarty</b>	<b>Speaker</b>
<b>Bennett</b>	<b>Gallagher</b>	<b>J. W. Miller</b>	<b>Stauf</b>
<b>Bishop</b>	<b>Green</b>	<b>Muller</b>	<b>Struble</b>
<b>Bordwell</b>	<b>Hammond</b>	<b>O'Keefe</b>	<b>Talmage</b>
<b>Bradley</b>	<b>Hanrahan</b>	<b>Page</b>	<b>W. F. Taylor</b>
<b>Broas</b>	<b>Hepburn</b>	<b>Peck</b>	<b>Tewksbury</b>
<b>Brown</b>	<b>Hinckley</b>	<b>Pierson</b>	<b>Vedder</b>
<b>Burtis</b>	<b>Holmes</b>	<b>Prince</b>	<b>Waehner</b>
<b>T. C. Campbell</b>	<b>Husted</b>	<b>Ransom</b>	<b>Wellington</b>
<b>T. J. Campbell</b>	<b>W. Johnson</b>	<b>Roscoe</b>	<b>Wenzel</b>
<b>Clark</b>	<b>W. A. Johnson</b>	<b>Russell</b>	<b>Whitmore</b>
<b>Cleary</b>	<b>Kennaday</b>	<b>Schenck</b>	<b>Willis</b>
<b>Comstock</b>	<b>Kirk</b>	<b>Schuyler</b>	<b>Witbeck</b>
<b>Costigan</b>	<b>Krack</b>	<b>Seward</b>	<b>Worth</b>
<b>Daly</b>	<b>Law</b>	<b>Shattuck</b>	<b>Wurts</b>
<b>Davis</b>	<b>Lawson</b>	<b>Sherwood</b>	<b>Yost</b>
<b>Dessar</b>			



On motion of Mr. Bordwell, and by unanimous consent, said bill was amended as follows :

Section 3, line 3, engrossed bill, strike out the words "some month and." Line 4, same section, strike out the words "of the week in that month." Lines 5 and 6, same section, strike out the words "as the first, second, third or fourth Tuesday or other day of the week." Line 8, same section, after the word "when" insert the words "each of." Same line, change the word "church" to "churches," and the word "congregation" to "congregations," and the word "society" to "societies."

Section 4, line 4, after the words "chairman of" insert the words "each of." Change the word "meeting" to "meetings." Line 7, strike out the word "the" and insert the word "each." Line 8, strike out the words "of the meeting" and insert the word "thereof." Line 14, same section, strike out the word "such" and insert the word "each."

Section 5, line 1, strike out the word "elections" and insert the word "meeting." Line 2, after the word "by" insert "a."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Seward
Badger	Edson	Lawrence	Shattuck
Barkley	Farrar	Lawson	Sherwood
Barrow	Faulkner	Lewis	Shiel
Beach	Fish	Lincoln	Silverman
Benedict	Friend	Mackin	Speaker
Berry	Gallagher	McGowan	Stacy
Bishop	Green	McGroarty	Stephens
Bowen	Hammond	Merwin	Struble
Braman	Hanrahan	J. W. Miller	Talmage
Brogan	Hauschel	Muller	G. Taylor
Burtis	Hess	O'Keefe	Tremain
Calkins	Hinckley	Peck	Vedder
T. C. Campbell	Hogan	Pierson	Waehner
T. J. Campbell	Holmes	Prince	Wenzel
Clark	Husted	Ransom	West
Cleary	Ives	Rich	Whitmore
Cole	W. Johnson	Roscoe	Witbeck
Cooke	W. A. Johnson	Sanford	Worth
Costigan	Keenan	Schenck	Wurts
Daly	Kirk	Schieffelin	Yost
Decker	Krack	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

A message from the Senate was received and read, in the words following :

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act in relation to the Hudson River State Hospital for the Insane at Poughkeepsie, the State Homœopathic Asylum for the Insane at Middletown, the Buffalo State Asylum for the Insane."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Ray, and by unanimous consent, the same was amended as follows:

Section 1, line 31, engrossed bill, strike out the word "Governor" and insert the words "Lieutenant-Governor, Attorney-General." Same section, line 35, strike out the word "Governor" and insert the words "Lieutenant-Governor, Attorney-General." Same section, line 38, strike out the word "Governor" and insert the words "Lieutenant-Governor, Attorney-General."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Lawrence	Shattuck
Badger	Dessar	Lewis	Sherwood
Barrow	Edson	Lillybridge	Shiel
Beach	Farrar	Mackin	Slingerland
Benedict	Faulkner	McGowan	Smith
Bennett	Friend	McGroarty	Speaker
Bishop	Gallagher	Merwin	Stauf
Bordwell	Green	J. W. Miller	Stephens
Bowen	Griffin	Muller	Talmage
Broas	Hammond	O'Keefe	G. Taylor
Brown	Hepburn	Page	Tewksbury
Burtis	Hess	Petty	Tremain
Calkins	Holmes	Pierson	Vosburgh
T. C. Campbell	Hussey	Prince	Waehner
T. J. Campbell	Husted	Reilly	Wenzel
Christopher	Ives	Roscoe	Whitmore
Cleary	W. Johnson	Sanford	Willis
Coffey	Kennaday	Schenck	Worth
Comstock	Kirk	Schuyler	Wurts
Costigan	Krack	Scudder	Yost
Daggett	Law		

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Seward
Badger	Farrar	Lawson	Sherman
Barkley	Faulkner	Lillybridge	Sherwood
Beardsley	Fay	Lincoln	Shiel
Benedict	Fish	McAfee	Slingerland
Bennett	Friend	McGowan	Smith
Bishop	Gallagher	McGroarty	Speaker
Bordwell	Gedney	Merwin	Stauf
Bradley	Griffin	J. W. Milier	Stephens
Broas	Hanrahan	Oakley	Struble
Brogan	Hauschel	O'Keefe	Talmage
Brown	Hess	Peck	W. F. Taylor
Burtis	Hogan	Petty	Tremain
T. C. Campbell	Holmes	Pierson	Vedder
T. J. Campbell	Hussey	Prince	Waehner
Christopher	Husted	Ransom	Wenzel
Coffey	W. Johnson	Reilly	West
Cole	W. A. Johnson	Roscoe	Whitmore
Comstock	Keenan	Russell	Witbeck
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schieffelin	Wurts
Davis	Law	Soudder	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Pursuant to a resolution of the Assembly, the Senate returned the bill entitled "An act to amend an act entitled 'An act to regulate proceedings against corporations by injunctions and otherwise,' passed April 7, 1870."

On motion of Mr. Schuyler, and by unanimous consent, the vote agreeing to the adverse report of the committee on the judiciary on said bill was reconsidered.

Mr. Schuyler moved to disagree with said report, and that said bill be referred to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent, Mr. Friend introduced a bill entitled "An act to amend an act entitled 'An act to revise and amend an act to incorporate the village of Port Jervis,' passed May 1, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Friend, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Badger offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message, be sent to his Excellency the Governor, requesting the return of Assembly bill No. 478, entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Waehner, from the committee on the judiciary, introduced a bill entitled "An act in relation to surrogates' courts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Tremain, Int. No. 1078, entitled "An act to amend title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Bradley, Int. No. 207, entitled "An act to amend the Code of Procedure," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Bradley, Int. No. 217, entitled "An act to amend section 3 of title 4 of chapter 8 of part 3 of the Revised Statutes," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Gross, Int. No. 214, entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat,'" which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Waehner, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Dayton, Int. No. 216, entitled "An act to legalize the proceedings of a town meeting held at the town-house in the town of Watervliet, on the thirteenth day of April, 1875," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Braman, and by unanimous consent, said bill was ordered to a third reading.

Mr. Husted offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the sergeant-at-arms cause to be removed the partition between the cloak room and Assembly chamber after the morning session to-day.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Hanrahan, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Senate bill No. 252, entitled "An act relating to fares for carrying passengers on street railroads in the city of Buffalo, and that the same be ordered to a third reading.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the bill introduced by Mr. Stacy, Int. No. 1082, entitled "An act to amend chapter 154 of the Laws of 1875, entitled 'An act for the preservation of fish in the waters of the Genesee river, its branches and tributaries in the county of Allegany,'" reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Stacy, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the bill introduced by Mr. Lawson, Int. No. 982, entitled "An act for the preservation of fish in the Niagara river," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. W. Johnson, from the committee on internal affairs, to which was referred the bill introduced by Mr. Schenck, Int. No. 1094, entitled "An act to amend an act entitled 'An act to create a board of excise in the several towns of this State,' passed May 4, 1874," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Edson, Int. No. 724, entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and create a board of water commissioners,' passed April 13, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Stephens, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Tobey, Int. No. 212, entitled "An act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Ely, from the committee on roads and bridges, to which was referred the bill introduced by Mr. Brown, Int. No. 1081, entitled "An

act to amend chapter 148 of the Laws of 1871, entitled 'An act authorizing the commissioners of highways of the town of Stony Point, in the county of Rockland, to build a draw-bridge over the Minisceongo creek in said town, and authorizing said town to aid them,' passed May 20, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Ely, from the committee on roads and bridges, to which was referred the bill introduced by Mr. Brown, Int. No. 991, entitled "An act to amend an act entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland Lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April 24, 1872, as amended by an act passed April 23, 1873, and as amended and enlarged by an act entitled as above, and to enlarge, confirm and extend the powers of the commissioners appointed by said act, for the laying out, opening and constructing of said avenue, passed May 9, 1874, and to provide for the payment of the several sums heretofore estimated or found by said commissioners necessary to be expended by them for any of the purposes authorized by said act, or any of the amendments thereto, and as contemplated therein, and to provide the means to pay the costs and expenses of laying out, opening and constructing said avenue already incurred by said commissioners, and such as may be necessary to complete the same, and to confirm and levy an assessment or tax therefor," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was recommitted the bill introduced by Mr. T. J. Campbell, Int. No. 1056, entitled "An act to regulate pilotage for the port of New York," reported in favor of the passage of the same, with amendments, which report was agreed to.

On motion of Mr. T. J. Campbell, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent,

Mr. Oakley, from the committee on commerce and navigation, to which was referred the Senate bill, Int. No. 223, entitled "An act to amend chapter 522 of the Laws of 1860, entitled 'An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines,' passed April 27, 1860," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Stephens, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hess, Int. No. 1087, entitled "An act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign to the board of education certain property to be used for school purposes," reported in favor of the passage of the same, with amendments, which report was agreed to.



On motion of Mr. Hess, and by unanimous consent, said bill was ordered printed and to a third reading.

By unanimous consent,

Mr. Hess, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gallagher, Int. No. 940, entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of extending the supply of water to the city and its inhabitants," reported in favor of the passage of the same, with an amendment, which report was agreed to.

On motion of Mr. Gallagher, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Booth, Int. No. 222, entitled "An act to authorize the board of assessors in the city of New York to revise and correct the assessments for the outlet sewer in Eightieth street and other streets in said city," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Schieffelin, said bill was substituted for Assembly bill of the same title.

By unanimous consent,

Mr. Hess, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Ray, Int. No. 220, entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson,' passed May 1, 1872," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Farrar, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Hess, from the committee on affairs of cities, to which was referred the Senate bill, Int. No. 200, entitled "An act to alter the map or plan of the city of New York by striking therefrom the proposed Avenue B, between Sixty-eighth and Seventy-ninth streets," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Beach, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Booth, Int. No. 155, entitled "An act to repeal an act entitled 'An act provide for the rebuilding and repairing of sewers in the city of New York,' passed March 29, 1871," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill, introduced by Mr. Booth, Int. No. 165, entitled "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and in relation to opening streets, avenues, roads or public parks and places in the city of New York," reported in favor of the



passage of the same, with amendments, and the title amended so as to read "An act in relation to regulating, grading, and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and to provide for the services rendered in laying out, opening streets, avenues, roads or public parks and places in the city of New York," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Booth, Int. No. 163, entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, and also to amend an act to re-enact and amend the same, passed April 6, 1871," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent.

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Booth, Int. No. 161, entitled "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Wood, printed No. 141, entitled "An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Laning, printed No. 277, entitled "An act to amend an act entitled 'An act for the incorporation of the Trustees of the Parochial Fund of the Protestant Episcopal Church in the diocese of Western New York,' passed March 26, 1863," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Wagner, printed No. 275, entitled "An act to amend an act entitled 'An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church,' passed April 14, 1869," reported in favor of the passage of the same, which

report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Kirk, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Bradley, printed No. 285, entitled "An act to amend an act entitled 'An act to incorporate the Masonic Hall Association of the village of Hornellsville,' passed April 27, 1869," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pope, from the committee on trade and manufactures, to which was referred the Senate bill, Int. No. 188, entitled "An act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure founded thereon," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pope, from the committee on trade and manufactures, to which was referred the Senate bill, Int. No. 153, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pope, from the committee on trade and manufactures, to which was referred the Senate bill, Int. No. 167, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex,'" for amendment.

Mr. Calkins moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lewis	Shiel
Badger	Dessar	Lillybridge	Silverman
Barkley	Ely	Mackin	Smith
Beach	Farrar	McGowan	Speaker
Benedict	Fay	Merwin	Stauf
Bennett	Friend	J. W. Miller	Struble

Bishop	Gallagher	Muller	Talmage
Bordwell	Green	Oakley	G. Taylor
Bowen	Hammond	O'Keefe	W. F. Taylor
Bradley	Hauschel	Page	Tewksbury
Broas	Hess	Peck	Tremain
Brogan	Hinckley	Petty	Vedder
Burtis	Holmes	Pierson	Vosburgh
Calkins	Hussey	Pope	Wellington
T. C. Campbell	Husted	Ransom	Wenzel
T. J. Campbell	Ives	Reilly	Whitmore
Clark	W. Johnson	Russell	Willis
Coffey	W. A. Johnson	Sanford	Witbeck
Cole	Kennaday	Schieffelin	Worth
Cooke	Krack	Schuyler	Wurts
Costigan	Law	Seward	Yost
Daly	Lawrence	Shattuck	

On motion of Mr. Calkins, and by unanimous consent, said bill was amended as follows:

Section 1, line 37, engrossed bill, strike out the words "thirty-seven."  
Line 40, same section, strike out the word "three" and insert the word "two."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Seward
Badger	Davis	Krack	Sherman
Barrow	Dessar	Lewis	Shiel
Beach	Edson	Lincoln	Silverman
Beardsley	Farrar	Mackin	Smith
Bennett	Faulkner	McAfee	Speaker
Berry	Fish	McGowan	Stauf
Bordwell	Friend	McGroarty	Stephens
Bowen	Gallagher	J. W. Miller	Talmage
Braman	Green	Muller	G. Taylor
Brogan	Hammond	Oakley	Tewksbury
Brown	Hanrahan	Page	Vedder
Burtis	Hepburn	Peck	Waehner
Calkins	Hess	Pierson	Wenzel
T. C. Campbell	Hinckley	Prince	West
T. J. Campbell	Hogan	Reilly	Whitmore
Christopher	Holmes	Rich	Willis
Clark	Hussey	Roscoe	Witbeck
Cleary	Ives	Russell	Worth
Comstock	W. Johnson	Schenck	Wurts

Cooke  
Costigan

W. A. Johnson  
Kennaday

Schieffelin  
Scudder

Yost

For the negative,  
Gedney

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

By unanimous consent, Mr. Friend introduced a bill entitled "An act authorizing the State Homœopathic Medical Society to change the time for holding annual, regular or special meetings," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose," which was read the first time, and by unanimous consent was also read the second time.

Mr. Husted moved to substitute said bill for Assembly bill of the same title now on the calendar of third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Stephens offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 353, entitled "An act to amend an act to incorporate the village of New Brighton," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Daly moved to lay the present order of business (third reading of bills) on the table, for the purpose of considering the special orders, being the removal bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

Senate, "An act to carry into effect the command of section 7 of article 10 of the Constitution, by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Petty, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that when the hour of 2 o'clock p. m. arrives this House take a recess until 4 o'clock, and that a session be held from that time until 7 o'clock p. m. for consideration of the removal bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

A message from the Senate was received and read, informing of con-

currence in the amendments of the Assembly to the bill entitled as follows:

"An act to repeal sections 6, 8, 9, 10, 11, 12, 13 and 15, and the preamble of chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868; also chapter 282 of the Laws of 1869, entitled An act to amend an act entitled An act to authorize the drainage of marsh lands, passed April 22, 1869, and for the repayment to said Marsh Land Company of moneys paid by them into the treasury of the State, in pursuance of said chapter 864 of the Laws of 1868."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled as follows:

"An act to extend the boundaries of the city of Utica westerly."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to release the interest of the people of the State of New York in certain real estate of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs-at-law to hold and convey the same."

"An act supplementary to and amendatory of chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

"An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages."

"An act providing for the election of bay constables in the town of East Hampton, in the county of Suffolk, and to define their duties."

"An act authorizing marshals of the city of New York to appoint deputies upon proper bonds being given, and to remove them."

"An act to confirm and legalize the acts of Deliverance Rogers as notary public of the county of Washington since March 30, 1875."

"An act to authorize the Regents of the University to establish examinations as to attainments in learning."

"An act to alter the commissioners' map of the city of Brooklyn, and closing a part of Bushwick avenue court-yard."

"An act in relation to taxes on lands sold by the State, and to amend the Revised Statutes in relation thereto."

"An act relative to the Civil Code."

"An act to authorize the common council of the city of Syracuse to repave Salina street in said city."

"An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York.'"

"An act in relation to the collection of uncollected taxes in the village of Brockport."

"An act authorizing the city of Buffalo to take certain lands for a public park and to provide for the payment thereof."

"An act authorizing the common council of the city of New York to extend Lafayette square."

"An act to authorize James McAndrew to take, hold and convey real estate."

"An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York.'"

"An act relative to judgments entered upon forfeited recognizances in the city and county of New York."

"An act to amend section 67 of article 2, chapter 1, part 2, title 2 of the Revised Statutes, in relation to trusts."

"An act to increase the powers of the common council of the city of Brooklyn."

"An act further to amend chapter 306 of the Laws of 1861, entitled 'An act to amend the act passed May 8, 1846, entitled An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York.'"

The Senate returned the bill entitled "An act to amend and consolidate the several acts relating to the city of Elmira," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 31, line 45, engrossed bill, after the word "force" strike out all down to and including the word "thereof" in line 52.

Section 159, line 2, after the word "effect" strike out the remainder of the section and insert in lieu thereof the following: "immediately, except as herein otherwise provided, but nothing in this act contained shall be construed to alter or interfere with the term of office of any person now holding office under any law relating to the city of Elmira."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lillybridge	Shattuck
Barkley	Ely	Lincoln	Sherman
Beach	Faulkner	McAfee	Sherwood
Benedict	Fish	McGowan	Silverman
Berry	Friend	McGroarty	Slingerland
Bordwell	Gallagher	Merwin	Speaker
Bradley	Green	J. W. Miller	Stauf
Braman	Griffin	Oakley	Struble
Brogan	Hanrahan	O'Keefe	Talmage
Brown	Hanschel	Peck	W. F. Taylor
Burtis	Hess	Petty	Tewksbury
Calkins	Hinckley	Pierson	Tremain
T. C. Campbell	Holmes	Prince	Vosburgh
T. J. Campbell	Hussey	Reilly	Waehner
Christopher	Ives	Roscoe	Wenzel
Clark	W. Johnson	Russell	West
Cole	W. A. Johnson	Sanford	Whitmore
Cooke	Keenan	Schenck	Willis
Costigan	Kirk	Schuyler	Witbeck
Daly	Krack	Scudder	Worth
Davis	Lawrence	Seward	Wurts
Decker	Lewis		

*Ordered*, That the Clerk return said bill to the Senate with a message informing of concurrence in their amendments.



On motion of Mr. Ransom, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act in relation to the street railroad companies in the city of Buffalo," and that the same be ordered to a third reading.

On motion of Mr. Lawson, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo," and that the same be ordered to a third reading.

By unanimous consent, Mr. Stauf presented a memorial from the Central Board of Taxpayers' Organization of the city of New York; which was read and referred to the committee on ways and means.

On motion of Mr. Tewksbury, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 510, entitled "An act to amend chapter 51 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,'" for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Petty presented a remonstrance of citizens of Suffolk county against the passage of Assembly bill No. 237, entitled "An act to provide for a correct interpretation of the statutes of this State having reference to intoxicating liquors; which was read and referred to the committee of the whole.

Mr. W. Johnson, from the committee on internal affairs, to which was referred the bill introduced by Mr. McGroarty, Int. No. 1058, entitled "An act for the relief and support of the poor of the county of Kings," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Pierson, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of the Senate bill entitled "An act to amend section 3 of title 4 of chapter 8 of part 3 of the Revised Statutes," and that the same be ordered to a third reading.

On motion of Mr. Beardsley, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the consideration of the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," also the Senate bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," and that said bills be ordered to a third reading.

On motion of Mr. Kennaday, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 631, entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," be ordered to a third reading.

The hour of 2 o'clock having arrived, the House took a recess until 4 o'clock P. M.



## FOUR O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the resolutions requesting the return from the Governor, for amendment, of the bills entitled as follows:

"An act to amend chapter 51 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein.'"

"An act to amend an act to incorporate the village of New Brighton."

"An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof."

*Ordered*, That the Clerk deliver said resolutions to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act for the better security of railroad employees for labor performed."

"An act to amend chapter 798 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Catholic Association of the city of Buffalo,' passed April 27, 1871."

"An act to amend an act entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof.'"

"An act authorizing the city of Buffalo to raise money by issuing bonds for laying out, improving and embellishing the public park in said city and the approaches thereto, and providing for the payment of such bonds and the expenditure of such money."

"An act for the preservation of fish in any of the waters in Clinton county except Lake Champlain."

"An act to extend the time for the collection of taxes in the city of Elmira."

"An act to amend chapter 47 of the Laws of 1826, entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies.'"

"An act to incorporate the Protectorate and Reformatory for Destitute Children from Oneida and adjacent counties."

"An act to enable the city of Yonkers to consolidate and equalize the time of payment of its bonded debt."

"An act to amend chapter 395 of the Laws of 1873, entitled 'An act to alter the system of repairing highways.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled as follows:

"An act to regulate the course of proceedings at the trial on a charge of felony after a previous conviction for felony,"

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the Senate bills entitled as follows:

"An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof."

"An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn,' passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866."

"An act for the preservation of fish in Chautauqua lake."

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

*Ordered*, That the Clerk return said bills to the Senate.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bill entitled as follows:

"An act creating the office of Richmond county fire marshal, and prescribing his powers and duties."

The Senate returned the bill entitled "An act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county," recalled from the Governor for amendment, with a message informing that they had reconsidered the vote on the final passage of said bill, and passed the same as amended by the Assembly.

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Alvord called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend an act passed April 17, 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings.'"

With the following amendments:

Strike out in first line of section 1 the words "an act" and insert the words "chapter 190 of the Laws of 1856." Strike out in lines 2 and 3 of same section the words "passed April 17, 1856."

Amend the title so as to read "An act to amend chapter 190 of the Laws of 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings.'"

\* "An act to provide for the settlement of the floating debt of the village of Saratoga Springs." With the following amendments:

Strike out sections 2, 3 and 4, and insert in lieu thereof the following:

"§ 2. Within the said thirty days, specified in the first section of this act, said trustees shall cause a special election to be held in said village (after a notice thereof shall have been published at least two weeks in all the newspapers printed therein), for the purpose of choosing village auditors, whereat each legal voter shall be entitled to vote for two persons only, and the three candidates receiving the highest number of votes shall be declared elected. Such auditors shall hold their office for the period of two years, or until the annual village election of 1877, when their successors shall be chosen. Before entering upon their duties, said auditors shall take the constitutional oath of office, and select one of their number as presiding officer. Their first duty shall be to thoroughly examine and investigate all claims and accounts against said village embraced in the floating debt thereof, and to audit and allow so much of the same as is just and equitable. They shall also, in like manner, investigate and audit all future claims and demands of every name and nature that may arise or be created against said village, including those contracted or authorized by the board of education and board of water commissioners of said village, as well as the board of trustees and other officers thereof. Such claims must be certified to by the board or such member thereof, or other village officer, as incurred

the indebtedness; which certificate shall state the specific service or nature of the expenditure thus authorized, and be verified by the affidavit of the claimant, wherein shall be stated the time when the services were rendered or material furnished, together with the amount, and that the prices charged in such claim for such material or services are not in excess of the customary rates demanded of those paying cash for similar goods or material or service. Such auditors shall have power to administer oaths to claimants and to persons and witnesses produced in reference to such claims, and in pursuing investigations relative to the integrity of the claims presented for their audit, they may compel the attendance of witnesses before them, with such books and papers as they deem to be necessary for their comprehension of the matter under consideration; and until such claims are presented to and acted upon by said auditors no suit or action in law can be maintained thereon.

"§ 3. Such auditors shall hold stated meetings as often as once in each month, and their compensation shall be three dollars each per day for every day actually devoted by them to the auditing of accounts as aforesaid, but the aggregate compensation shall not exceed one hundred dollars to each auditor per annum. No one shall be eligible to this office who is not a tax-payer or who holds any other office, either appointive or elective. All vacancies in said board arising from death, resignation or otherwise shall be filled by the county judge.

"§ 4. The receiver of taxes of the village and town of Saratoga Springs shall pay no claim against said village or any of the local boards or commissions thereof herein specified, unless such claim shall have first been examined and approved by the auditors herein referred to.

"§ 5. All acts or parts of acts inconsistent herewith are hereby repealed.

"§ 6. This act shall take effect immediately."

Amend the title so as to read "An act to provide for the settlement of the floating debt of the village of Saratoga Springs, and authorizing the election of a permanent board of auditors for said village."

"An act to incorporate the Great Council of the Improved Order of Red Men of the State of New York." With the following amendment:

Section 2, after the word "bequest," in line 7, insert the words "subject to all provisions of law relating to devises and bequests by last will and testament."

"An act to amend an act entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county,' passed April 10, 1857." With the following amendments:

Strike out in line 1 of section 1 the words "an act," and insert the words "chapter 331 of the Laws of 1857."

Strike out in line 4 of same section the words "passed April 10, 1857."

Amend the title so as to read "An act to amend chapter 331 of the Laws of 1857, entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county.'"

"An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street in the city of Brooklyn.'"

"An act to provide for the apportionment of rents, annuities, dividends and other payments."

"An act to enable John L. Ireland to acquire title to a portion of

South Fifth avenue in the city of New York, and to discontinue that portion of said avenue."

Senate, "An act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States."

"An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie.'"

"An act to amend an act passed December 14, 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845." With the following amendments:

Strike out in line 1 of section 1 the words "an act" and insert the words "chapter 455 of the Laws of 1847."

Strike out in lines 4 and 5 of the same section the words "passed December 14, 1847."

Amend the title so as to read "An act to amend chapter 455 of the Laws of 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845."

"An act to authorize the confinement of convicts in the county penitentiaries of this State."

Senate, "An act to amend chapter 395 of the Laws of 1853, entitled 'An act for the incorporation of library companies,' passed June 17, 1853."

"An act to confer upon the trustees of the incorporated villages of this State power to restrain and regulate the construction of wooden buildings, and to cause the removal or repair of unsafe walls, chimneys and other structures."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Also, the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' chapter 590, Laws of 1872, passed May 7, 1872." With the following amendments:

Strike out in section 1, line 1, the words "an act" and insert the words "chapter 590 of the Laws of 1872." Same section, lines 2, 3 and 4, strike out the words "chapter 590 of the Laws of 1872, passed May 7, 1872."

Amend the title so as to read "An act to amend chapter 590 of the Laws of 1872, entitled 'An act to regulate processions and parades in the cities of the State of New York.'"

"An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping."

"An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester."

"An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22,

1867, and to extend the powers of the corporation, passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874." With the following amendments:

Insert after the word "residents," in line 4 of section 2, the word "and," and strike out of lines 4 and 5 of same section the words "and freeholders."

Insert after the word "make" in line 4 of section 11, the words "and complete," and insert after the word "assessment" in the same line the word "rolls," and insert after the word "make" in the same line the words "by copying therefrom," and strike out the word "a" at the end of said line.

Strike out in line 7 of same section the words "a copy," and insert the word "copies," and add "s" to the word "roll" at the end of same line. Insert after the word "trustees" in line 9 of same section, the words "and the said roll so delivered shall form the assessment rolls of the village for the fiscal year in which the same was made."

Insert after the word "reasonable," in line 4 of section 12, the words "not to exceed fifty dollars each."

Insert after the words "provisions of" in line 6 of section 13, the words "section 2 of," and strike out after the word "standing," in line 10 of same section, down to and including the word "provided" in line 11.

Add to section 14 the following: "The provisions of the charter for the sale of lands for unpaid taxes shall not be deemed in any way to limit the power of the treasurer and collector to levy upon default in the payment of taxes upon real estate."

Strike out all of section 15, and change subsequent sections to correspond.

Insert in line 14 of section 15, as renumbered, the word "five" before the word "hundred." Insert at the end of line 16 of the same section the words "who shall be residents and freeholders in said village, to be approved by the county judge."

Amend the title so as to read "An act to further amend chapter 674 of the Laws of 1870, entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same,' passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873."

"An act to release to the heirs-at-law and devisees of Wm. Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse."

"An act to release to Susan Grant the right, title and interest of the people of the State of New York in and to certain real estate in the city of Rochester."

"An act further to amend chapter 833 of the Laws of 1873, entitled 'An act to regulate the fees of coroners.'" With the following amendments:

Insert after the words "New York" in line 4 of section 1 the word "Erie."

Strike out in line 7 of section 2 the words "and for his compensation," and add at the end of same line the words "and audited by the board of supervisors."

Strike out in line 4 of section 3 the word "ten" and insert the word "five." Strike out in line 8 in same section the word "ten" and insert the word "five."



"An act to amend the charter of the village of Avon."

"An act to authorize the board of assessors in the city of New York to revise and correct the assessment for the outlet sewer in Eightieth street and other streets in said city."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

Senate, "An act to amend an act entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and supplementary thereto,' passed March 29, 1875."

Senate, "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855."

Senate, "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act."

Senate, "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or Territories of the United States,' passed March 10, 1870."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act to create a liability against towns for injuries sustained by persons in consequence of the highways or bridges in any town being out of repair or having been defectively constructed," reported in favor of the passage of the same.

On motion of Mr. Hammond, said bill was recommitted to the committee of the whole.

On motion of Mr. Schieffelin, and by unanimous consent,

*Resolved*, That the bill entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon, in the county of Westchester," be recommitted to the committee on affairs of villages, for the purpose of amendment, retaining its place on general orders.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

Senate, "An act to carry into effect the command of section 7 of article 10 of the Constitution by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Petty, from said committee, reported in favor of the passage of the same.

The question being on agreeing to said report,

Mr. Daly moved to substitute the following bill in lieu thereof.

**AN ACT** to carry into effect the command of section 7 of article 10 of the Constitution by providing for the removal of certain officers therein mentioned, and for filling the vacancies created by such removal.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The governor may remove any state engineer and sur-

veyor, or canal commissioner, for misconduct or malversation in office, giving to such officer a copy of the charges against him and an opportunity of being heard in his defense before any removal shall be made.

§ 2. The governor may suspend any of the officers named in the first section of this act, during the investigation of the charges against said officer, and may appoint a suitable person to perform the duties of the suspended officer during such suspension.

§ 3. The governor shall appoint a suitable person to fill the vacancy caused by the removal, death or resignation of any officer named in this act, whenever such vacancy shall occur during the recess of the Legislature. The person so appointed to fill such vacancy shall hold his office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

§ 4. The governor may direct that the testimony upon the charges made against any officer in pursuance of this act, and the examination of witnesses be had before himself, or before a commissioner appointed by him for that purpose, and the governor is hereby authorized in such cases and for the purpose aforesaid to appoint such commissioner, and to supersede any such appointment whenever he may deem proper so to do; such appointment shall be in writing, and shall be filed in the office of the Secretary of State.

§ 5. The Governor may direct the Attorney-General, or may appoint any suitable person to conduct an inquiry into the truth of the charges made; the Attorney-General or the person so appointed shall give at least eight days' notice to the officer accused of the time and place, when and where he will proceed to the examination of witnesses before either the Governor or commissioner, if a commissioner shall have been appointed.

§ 6. The Attorney-General, or the person directed by the Governor to conduct the inquiry, may issue process of subpoena in his own name to compel the attendance of any witness before the Governor or commissioner, and the Governor or commissioner shall have the same power to administer oaths and enforce obedience to such subpoenas by attachment, and to commit any person who shall refuse to be sworn, or to answer as a court of record would have in a civil cause pending therein.

§ 7. The officer accused may issue process of subpoena in his own name in the like manner as provided in section 6 of this act, which process may be enforced in the same manner as provided in said section 6.

§ 8. If the examination of witnesses and taking of testimony be had before a commissioner, every answer given by any witness to any question which either party shall require to be reduced to writing shall be written, the testimony of the witnesses shall be read to and prescribed by them, and shall be certified by the commissioner taking the same, and shall be by him transmitted to the Governor.

§ 9. All sheriffs, coroners, constables and marshals to whom process shall be directed and delivered under this act shall execute the same without any unnecessary delay; any person may serve a process of subpoena issued in pursuance of the provisions of this act.

§ 10. This act shall take effect immediately.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Daly, and it was determined in the negative.



**MAY 7.]**

**1405**

**{ AYES 37 }**  
**{ NOES 67 }**

**Those who voted in the affirmative, were**

Barkley	Edson	Ives	O'Keefe
Beach	Ely	Kennaday	Roscoe
Broas	Faulkner	Kshinka	Schieffelin
Brown	Fish	Lewis	Schuyler
T C. Campbell	Griffin	Mackin	Shattuck
Cooke	Hammond	Merwin	Silverman
Costigan	Hauschel	J. W. Miller	Stephens
Daly	Hogan	Muller	Witbeck
Davis	Holmes	Oakley	Wurts
Dessar			

**Those who voted in the negative, were**

Alvord	Daggett	Lillybridge	Smith
Badger	Decker	Lincoln	Speaker
Barrow	Fay	McAfee	Stacy
Bennett	Gallagher	Page	Stauf
Bishop	Gedney	Peck	Struble
Bordwell	Green	Petty	G. Taylor
Bowen	Hanrahan	Pierson	Tewksbury
Bradley	Hepburn	Pope	Tremain
Braman	Hess	Prince	Vedder
Brogan	Hinckley	Ransom	Vosburgh
Calkins	Houghton	Reilly	Waehner
T. J. Campbell	Hussey	Rich	Wellington
Clark	Husted	Russell	Wenzel
Cleary	W. Johnson	Sanford	Whitmore
Coffey	Keenan	Schenck	Willis
Cole	Kirk	Seward	Yost
Comstock	Lawson	Sherwood	

Mr. Speaker then put the question whether the House would agree to the report of said committee, and it was determined in the affirmative.

By unanimous consent, said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 103 }**  
**{ NOES 1 }**

**Those who voted in the affirmative, were**

Alvord	Decker	Kirk	Schieffelin
Badger	Dessar	Kshinka	Schuyler
Barkley	Edson	Lawson	Seward
Barrow	Ely	Lewis	Shattuck
Beach	Faulkner	Lillybridge	Sherwood
Bennett	Fay	Lincoln	Silverman
Bishop	Fish	Mackin	Smith

Bordwell	Gallagher	McAfee	Speaker
Bowen	Gedney	Merwin	Stacy
Bradley	Green	J. W. Miller	Stauf
Braman	Griffin	Muller	Stephens
Broas	Hammond	Oakley	Struble
Brogan	Hanrahan	O'Keefe	G. Taylor
Brown	Hauschel	Page	Tewksbury
Calkins	Hepburn	Peck	Tremain
T. C. Campbell	Hess	Petty	Vedder
T. J. Campbell	Hinckley	Pierson	Vosburgh
Clark	Hogan	Pope	Waehner
Cleary	Holmes	Prince	Wellington
Coffey	Houghton	Ransom	Wenzel
Cole	Hussey	Reilly	Whitmore
Comstock	Husted	Rich	Willis
Cooke	Ives	Roscoe	Witbeck
Costigan	W. Johnson	Russell	Wurts
Daggett	Keenan	Sanford	Yost
Daly	Kennaday	Schenck	

For the negative,

Davis

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. T. J. Campbell moved that when this House adjourns it adjourn until Monday evening at 7½ o'clock.

Mr. Waehner moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 36 }  
{ NOES 56 }

Those who voted in the affirmative, were

Alvord	Coffey	Hepburn	Shattuck
Barkley	Cooke	Hogan	Stacy
Barrow	Costigan	Husted	Stauf
Beach	Daly	Lincoln	Struble
Bowen	Ely	Peck	Tewksbury
Bradley	Faulkner	Petty	Vedder
T. C. Campbell	Fish	Prince	Waehner
Clark	Hammond	Reilly	Willis
Cleary	Hauschel	Sanford	Yost

Those who voted in the negative, were

Bishop	Gallagher	Kshinka	Rich
Bordwell	Gedney	Lawson	Roscoe
Braman	Green	Lewis	Russell
Brogan	Griffin	Lillybridge	Schieffelin
Brown	Hanrahan	Mackin	Schuyler
T. J. Campbell	Hess	McAfee	Seward
Cole	Hinckley	Merwin	Sherwood
Comstock	Holmes	J. W. Miller	Silverman

[SATURDAY, MAY 8.]

1407

Daggett	Houghton	Muller	Smith
Davis	Hussey	Oakley	Stephens
Decker	Ives	O'Keefe	Vosburgh
Dessar	Keenan	Page	Wenzel
Edson	Kennaday	Pierson	Whitmore
Fay	Kirk	Ransom	Wurts

The hour of 7 o'clock having arrived, the House adjourned.

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SATURDAY, MAY 8, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bills entitled as follows:

"An act to amend and consolidate the several acts relating to the city of Elmira."

"An act to extend the time for the collection of the assessment of Fulton avenue, in the town of New Lots.

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act in relation to the Bureau of Military Statistics,' " which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered to a third reading.

Leave of absence was granted to Messrs. Brown and Griffin until Monday evening, to Messrs. Christopher and Tremain indefinitely, and to Mr. Edson until Tuesday evening.

Mr. Bowen offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 640, entitled "An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Calkins offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 553, entitled "An act to amend chapter 729 of the Laws of 1871, entitled 'An act authorizing the board of supervisors of the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county,' " for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Beach introduced a bill entitled "An act to authorize the settlement of the claims of the city of New York against the Eighth National Bank," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Beach, and by unanimous consent, said bill was ordered printed, engrossed, and to a third reading.

By unanimous consent, Mr. Kshinka offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 534, entitled "An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. T. J. Campbell moved that when this House adjourns it adjourn to meet on Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Pierson, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Masonic Hall Association of the village of Hornellsville,' passed April 27, 1869," and said bill was ordered to a third reading.

On motion of Mr. Prince, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Senate bill No. 141, entitled "An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State commissioner in lunacy,' passed May 12, 1874," and that the same be ordered to a third reading.

Mr. Badger moved that leave of absence be granted to Mr. Pope until Monday evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved that leave of absence be granted to all members not present.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord moved that the members present have leave of absence until Monday evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to lay the present order of business on the table for the purpose of taking up the order of business, consideration of general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, with the request that he will return to the Senate the Senate bill No. 200, entitled "An act to amend act entitled 'An act to incorporate the village of Port Richmond, in the county of Richmond.'"

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Lincoln offered for the consideration of the House a resolution, in the words following:

*Resolved*, That Assembly bill No. 552, entitled "An act to enable the several cities and towns of the State which have not already done so to refund the money expended in furnishing substitutes, or in commutation by the men who were drafted into the military service of the United States, and held to service in the several drafts under the enrollment act of the United States, entitled 'An act for enrolling and calling out the national forces, and for other purposes,' approved March 3, 1863, and the acts amendatory thereto, while the option of commutation by the payment of three hundred dollars remained, and for the relief of the men who entered the service under said drafts," be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to unify the supervisory department of the educational system of the State of New York."

"An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein."

Senate, "An act to make town 1, range 8 of the Holland Land Company survey, located in the town of South Valley, Cattaraugus county, a separate road district, and provide for a commissioner of highways for said district, and also to appropriate money to repair a bridge over the Allegany river, on the Indian Reservation in said town."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Fay, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Fay, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed and to a third reading.

Mr. Fay, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

— “An act to amend chapter 9, title 14, part 1 of the Revised Statutes, relative to the United States deposit fund.”

“An act to amend chapter 657 of the Laws of 1871, entitled ‘An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,’ passed April 20, 1871.”

“An act to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812.”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Cooke, from said committee, reported in favor of the passage of said bills which report was agreed to, and said bills ordered engrossed and to a third reading.

Mr. Costigan, on behalf of Mr. Shiel, offered for the consideration of the House a resolution, in the words following:

*Resolved*, That a respectful message be sent to the Senate, requesting the return, for the purpose of amendment, of Assembly bill No. 444, entitled “An act to amend an act entitled ‘An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,’ passed June 18, 1873.”

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate.

On motion of Mr. Lincoln, and by unanimous consent, the Senate bill entitled “An act in relation to the county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia,” was made a special order for Tuesday evening next.

A message from the Senate was received and read, informing of concurrence in the passage of resolutions recalling from the Governor for amendment the bills entitled as follows:

“An act to amend chapter 729 of the Laws of 1871, entitled ‘An act authorizing the board of supervisors of the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county.’”

“An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital.”

“An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain.”

*Ordered*, That the Clerk deliver said resolutions to the Governor.

The House again resolved itself into the committee of the whole on the bills entitled as follows:

Senate, “An act to authorize and direct the mayor, aldermen and commonalty of the city of New York to pay to the county of Westchester claims and demands due said county of Westchester from said city and county of New York, growing out of the annexation to said city and county of New York of the late towns of Morrisania, West Farms and Kingsbridge.”

“An act to exempt property, real and personal, of the Society of the New York Hospital from taxation.”



"An act to regulate and fix the salaries of the commissioners of docks of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hauschel, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being on granting leave,

On motion of Mr. Shiel, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

Mr. Hauschel, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed and to a third reading.

Mr. Hauschel, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave.

Mr. T. J. Campbell moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, but no quorum voted.

On motion of Mr. Alvord, at 1 o'clock and 40 minutes, the House adjourned.

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## MONDAY, MAY 10, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Clark.

The reading of the journal of Saturday, May 8, was dispensed with.

The Senate returned the bill entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," with a message informing of their assent to a committee of conference thereon, and that they have appointed as such committee Messrs. Robertson, Lowery and Bradley.

On motion of Mr. Daly, and by unanimous consent,

*Resolved*, That the sub-committee of the whole be discharged from the further consideration of the bill entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York," and that the same be recommitted to the committee on affairs of cities, retaining its place on general orders.

On motion of Mr. Friend, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to revise and amend an act to incorporate the village of Port Jervis,' passed May 1, 1873," was referred to the committee on affairs of villages, retaining its place on the calendar of third reading of bills.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution:

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows:



"An act in relation to proof of wills."

"An act in relation to the Alms-house and Insane Asylum in the city of Albany, and the sale and purchase of real property in connection therewith."

"An act further to amend chapter 270 of the Laws of 1829, entitled 'An act for the prevention of masquerades.'"

"An act to authorize corporations to reduce their capital stock."

"An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn."

"An act to provide for the opening and improving of Lewis avenue, in the city of Brooklyn."

"An act to amend chapter 387 of the Laws of 1874, entitled 'An act relating to certain assessment proceedings in the city of Brooklyn, and providing for payment of work done thereunder.'"

"An act to incorporate the fire department of the North Shore of Staten Island."

"An act to amend title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards.'"

"An act for the preservation of fish in the Niagara river."

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13 1871."

"An act to amend chapter 148 of the Laws of 1871, entitled 'An act authorizing the commissioners of highways of the town of Stony Point, in the county of Rockland, to build a draw-bridge over Minnisceongo creek, in said town, and authorizing said town to aid them,' passed March 22, 1871."

"An act for the relief and support of the poor of the county of Kings."

Senate, "An act to further amend an act entitled 'An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines,' passed April 12, 1852."

Senate, "An act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same."

Senate, "An act to repeal section 3 of chapter 130 of Laws of 1870, being an act authorizing the town of Friendship to raise moneys by tax in aid of Friendship academy."

Senate, "An act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure founded thereon."

Senate, "An act to amend an act entitled 'An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church,' passed April 14, 1869."

Senate, "An act to amend an act entitled 'An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal Church in the diocese of Western New York,' passed March 26, 1863."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the consideration of the Senate bill entitled as follows:

"An act in relation to the State prisons and penitentiaries of this State."

The House then resolved itself into a committee of the whole on said bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ives, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Sherman moved to make said bill a special order in the same committee with the one now made for to-morrow evening, and that the same be printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Dessar offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the bill entitled "An act to amend chapter 574 of the Laws of 1871, as amended by chapter 738 of the Laws of 1872, in relation to the department of docks," be referred to the sub-committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the bill entitled "An act to incorporate the Eclectro Medical College of the State of New York in the city of New York," be referred to the sub-committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the justices of the peace in the towns of Gates, Greece and Irondequoit, in Monroe county, who reside in that part of said towns added to the city of Rochester, by chapter 482 of the Session Laws of 1874."

"An act to repeal section 10 of chapter 398 of the Laws of 1872, entitled 'An act to incorporate the Batavia Literary Association, and appropriating certain moneys thereto.'"

"An act to amend chapter 40 of the Laws of 1872, entitled 'An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water,' and supplementary thereto."

"An act to authorize the commissioners of highways of the town of Saratoga Springs to build a sidewalk along Union avenue, in said town."

"An act to amend an act entitled 'An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of 1873, passed June 28, 1873."

"An act in relation to a public square in the village of Manchester, Ontario county."

"An act to suppress intemperance and to regulate the sale of intoxicating liquors."

"An act to revise and consolidate the several acts relative to public schools in the city of Auburn."

"An act to establish a board of fire commissioners of the village of West Troy, in the county of Albany."

"An act in relation to the police department in the city of New York."

"An act to authorize the appointment of commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester."

"An act to alter and define the boundaries of the first and second commissioner districts of Monroe county."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to Anne Pinkerton, formerly Anne Scott."

"An act to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies.'"

"An act to secure free exercise and enjoyment of religious profession and worship without discrimination or preference to all mankind confined in State prisons and other places of confinement."

"An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court."

"An act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds."

"An act to amend chapter 676 of the Laws of 1870, entitled 'An act to incorporate the Richmond Hotel Company of Staten Island.'"

"An act to regulate insurance upon property of deceased persons."

"An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rensselaer Bridge Company."

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to repeal chapter 969 of the Laws of 1867, entitled 'An act in relation to inspection of steam boilers in the State of New York, except in the Metropolitan police district.'"

"An act to amend chapter 154 of the Laws of 1875, entitled 'An act for the preservation of fish in the waters of the Genesee river, its branches or tributaries, in the county of Allegany.'"

"An act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign to the board of education certain property to be used for school purposes."

"An act to authorize the city of Buffalo to issue its bonds for the purpose of extending the supply of water to the city and its inhabitants."

"An act authorizing the State Homœopathic Medical Society to change the time for holding annual, regular or special meetings."

"An act to regulate pilotage for the port of New York."

"An act in relation to the street railroad companies in the city of Buffalo."

"An act relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo."

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

"An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State

of New York, also of Clyde and Seneca rivers, in counties of Wayne and Cayuga."

"An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business."

"An act to amend chapter 190 of the Laws of 1856, entitled 'An act for the appointment of commissioners of records for the county of Kings.'"

"An act to provide for the settlement of the floating debt of the village of Saratoga Springs, and authorizing the election of a permanent board of auditors for said village."

"An act to incorporate the Great Council of the Improved Order of Red Men of the State of New York."

"An act to amend chapter 331 of the Laws of 1857, entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county.'"

"An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street, in the city of Brooklyn.'"

"An act to provide for the apportionment of rents, annuities, dividends and other payments."

"An act to enable John L. Ireland to acquire title to a portion of South Fifth avenue in the city of New York, and to discontinue that portion of said avenue."

"An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie.'"

"An act to amend chapter 455 of the Laws of 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845."

"An act to authorize the confinement of convicts in the county penitentiaries of this State."

"An act to confer upon the trustees of the incorporated villages of this State power to restrain and regulate the construction of wooden buildings, and to cause the removal or repair of unsafe walls, chimneys and other structures."

"An act to amend chapter 590 of the Laws of 1872, entitled 'An act to regulate processions and parades in the cities of the State of New York.'"

"An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping."

"An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester."

"An act further to amend chapter 674 of the Laws of 1870, entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874."

"An act to release to the heirs-at-law and devisees of William Moffat,

late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse."

"An act to release to Susan Grant the right, title and interest of the people of the State of New York in and to certain real estate in the city of Rochester."

"An act further to amend chapter 833 of the Laws of 1873, entitled 'An act to regulate the fees of coroners.'"

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to amend the charter of the village of Avon."

"An act to unify the supervisory department of the educational system of the State of New York."

"An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein."

"An act to amend chapter 9, title 14, part 1 of the Revised Statutes, relative to the United States deposit fund."

"An act to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812."

"An act to exempt property, real and personal, of the Society of the New York Hospital from taxation."

The bill entitled "An act to incorporate the Bethlehem Mutual Insurance Association, and for other purposes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	W. Johnson	Sherman
Badger	Dessar	Kirk	Sherwood
Barkley	Edson	Kshinka	Smith
Beach	Ely	Lewis	Speaker
Beardsley	Faulkner	Lillybridge	Stacy
Bennett	Fay	Lincoln	Stauf
Berry	Friend	McGowan	Struble
Bowen	Gallagher	McGroarty	Talmage
Bradley	Gedney	Merwin	G. Taylor
Braman	Hammond	J. W. Miller	W. F. Taylor
Brown	Hanrahan	Muller	Tewksbury
Burtis	Hauschel	Prince	Tremain
T. C. Campbell	Hepburn	Ransom	Vedder
Clark	Hess	Reilly	Washner
Coffey	Hinckley	Roscoe	West
Cooke	Hogan	Russell	Willis
Costigan	Holmes	Schuyler	Witbeck
Daggett	Husted	Seward	Wurts
Daly	Ives	Shattuck	Yost

For the negative,

Fish

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to fix the rates of fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Buffalo to the grounds of the Buffalo Driving Park Association in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Fish	Lincoln	Sherman
Barkley	Friend	McGowan	Sherwood
Beardsley	Gallagher	McGroarty	Smith
Benedict	Godney	Merwin	Speaker
Bennett	Hanrahan	J. W. Miller	Stacy
Berry	Hauschel	Oakley	Stauf
Bowen	Hepburn	Page	Stephens
Bradley	Hess	Peck	Talmage
Braman	Hinckley	Pierson	G. Taylor
T. C. Campbell	Hogan	Prince	W. F. Taylor
Clark	Holmes	Ransom	Fewksbury
Costigan	Hussey	Reilly	Tremain
Daly	Ives	Russell	Vedder
Decker	W. Johnson	Sanford	Waehner
Dessar	Kirk	Schenck	West
Edson	Kshinka	Schieffelin	Willis
Ely	Lawrence	Schuyler	Witbeck
Faulkner	Lewis	Seward	Yost
Fay	Lillybridge	Shattuck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Alvord moved to reconsider the vote on the final passage of the bill entitled "An act to amend and consolidate the several acts relating to the city of Elmira," as amended by the Senate.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths of all said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lewis	Shattuck
Badger	Faulkner	Lillybridge	Sherman
Barkley	Fay	Lincoln	Sherwood
Beach	Fish	McGowan	Smith
Beardsley	Friend	McGroarty	Speaker
Benedict	Gallagher	Merwin	Stacy



Bennett	Gedney	J. W. Miller	Stauf
Berry	Hammond	Muller	Stephens
Bradley	Hanrahan	Oakley	Struble
Braman	Hauschel	Page	Talmage
Brown	Hepburn	Peck	G. Taylor
Burtis	Hess	Pierson	W. F. Taylor
T. C. Campbell	Hinckley	Prince	Tewksbury
Clark	Hogan	Ransom	Tremain
Cleary	Holmes	Reilly	Vedder
Coffey	Hussey	Roscoe	Wachner
Cooke	Husted	Sanford	West
Costigan	Ives	Schenck	Willis
Daly	W. Johnson	Schieffelin	Witbeck
Decker	Kirk	Schuyler	Wurts
Dessar	Kshinka	Seward	Yost
Edson	Lawrence		

On motion of Mr. Alvord, and by unanimous consent, said bill was amended as follows:

Line 6, section 30, engrossed bill, strike out the words "and the violation of any such ordinance or by-law is hereby declared to be a misdemeanor."

Section 159, lines 2 and 3, strike out the words "except as herein otherwise provided," and insert January 1, 1876."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Schuyler
Badger	Ely	Lewis	Shattuck
Barkley	Faulkner	Lillybridge	Sherman
Beach	Fay	Lincoln	Sherwood
Beardsley	Fish	McGowan	Smith
Benedict	Friend	McGroarty	Speaker
Berry	Gallagher	Merwin	Stauf
Bowen	Gedney	J. W. Miller	Stephens
Bradley	Hammond	Muller	Struble
Braman	Hanrahan	Oakley	Talmage
Brown	Hauschel	Page	G. Taylor
Burtis	Hepburn	Petty	W. F. Taylor
T. C. Campbell	Hess	Pierson	Tewksbury
Clark	Hinckley	Prince	Vedder
Cleary	Hogan	Ransom	Wachner
Coffey	Holmes	Reilly	Whitmore
Cooke	Husted	Roscoe	Willis
Costigan	Ives	Russell	Witbeck
Daly	W. Johnson	Sanford	Wurts
Decker	Kirk	Schenck	Yost
Dessar	Kshinka	Schieffelin	



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The bill entitled "An act providing for the election of bay constables in the town of East Hampton, in the county of Suffolk, and to define their duties," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Sherman
Badger	Edson	Lewis	Sherwood
Barkley	Ely	Lillybridge	Smith
Beach	Faulkner	Lincoln	Speaker
Beardsley	Fay	McGowan	Stauf
Benedict	Fish	McGroarty	Stephens
Bennett	Friend	Merwin	Struble
Berry	Gallagher	J. W. Miller	Talmage
Bowen	Hanrahan	Muller	G. Taylor
Bradley	Hauschel	Oakley	W. F. Taylor
Braman	Hess	Page	Tewksbury
Brown	Hinckley	Peck	Tremain
Burtis	Hogan	Petty	Vedder
T. C. Campbell	Holmes	Pierson	Waehner
Clark	Husted	Ransom	West
Cleary	Ives	Roscoe	Willis
Cooke	W. Johnson	Sanford	Witbeck
Costigan	Kirk	Schenck	Wurts
Daggett	Krack	Schieffelin	Yost
Daly	Kshinka	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing marshals of the city of New York to appoint deputies upon proper bonds being given, and to remove them," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Shattuck
Badger	Ely	Lewis	Sherman
Barkley	Faulkner	Lillybridge	Sherwood
Beach	Fay	Lincoln	Smith
Beardsley	Fish	McGowan	Speaker

Bennett	Friend	McGroarty	Stacy
Berry	Gallagher	Merwin	Stauf
Bowen	Gedney	J. W. Miller	Struble
Bradley	Hanrahan	Muller	Talmage
Braman	Hauschel	Oakley	G. Taylor
Brown	Hess	Page	W. F. Taylor
Burtis	Hinckley	Petty	Tewksbury
T. C. Campbell	Holmes	Pierson	Vedder
Clark	Hussey	Prince	Vosburgh
Cleary	Husted	Ransom	Waehner
Coffey	Ives	Roscoe	West
Cooke	W. Johnson	Russell	Witbeck
Costigan	Kirk	Sanford	Wurts
Daly	Krack	Schuyler	Yost
Decker	Kshinka	Seward	

For the negative,

Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm and legalize the acts of Deliverance Rogers, as notary public of the county of Washington, since March 30, in the year of our Lord 1875," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lewis	Schuyler
Badger	Fay	Lillybridge	Seward
Barkley	Fish	Lincoln	Sherman
Beach	Friend	McGowan	Sherwood
Benedict	Gallagher	McGroarty	Smith
Bennett	Gedney	Merwin	Speaker
Berry	Hanrahan	J. W. Miller	Stauf
Bradley	Hauschel	Muller	Stephens
Braman	Hess	Oakley	Struble
Burtis	Hinckley	Page	Talmage
T. C. Campbell	Hogan	Peck	G. Taylor
Clark	Holmes	Petty	W. F. Taylor
Coffey	Hussey	Prince	Tewksbury
Comstock	Husted	Ransom	Tremain
Cooke	Ives	Reilly	Vosburgh
Costigan	W. Johnson	Roscoe	Waehner
Daly	Kirk	Russell	West
Decker	Krack	Sanford	Willis
Edson	Kshinka	Schenck	Wurts
Ely	Lawrence	Schieffelin	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to fix the rates of fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Fish	Lincoln	Seward
Beach	Friend	McGowan	Sherman
Benedict	Gallagher	McGroarty	Sherwood
Bennett	Gedney	Merwin	Smith
Berry	Hanrahan	J. W. Miller	Speaker
Bradley	Hess	Muller	Stauf
Braman	Hinckley	Oakley	Struble
Burtis	Hogan	Page	Talmage
T. C. Campbell	Holmes	Petty	G. Taylor
Clark	Husted	Pierson	W. F. Taylor
Coffey	Ives	Prince	Tewksbury
Cooke	W. Johnson	Ransom	Tremain
Costigan	Kirk	Roscoe	Vedder
Daly	Krack	Russell	Vosburgh
Dessar	Kshinka	Sanford	Waehner
Edson	Lawrence	Schenck	West
Ely	Lewis	Schieffelin	Wurts
Faulkner	Lillybridge	Schuyler	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Husted moved to take from the table the motion to reconsider the vote by which the Senate bill entitled "An act to amend an act entitled 'An act to amend chapter 467 of the Laws of 1862, entitled An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed May 2, 1864," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 12 }

Those who voted in the affirmative, were

Alvord	Dessar	W. Johnson	Shattuck
Badger	Edson	Lawson	Speaker

Barkley	Ely	Lincoln	Stacy
Beach	Faulkner	McGowan	Stauf
Beardsley	Fay	McGroarty	Stephens
Bennett	Fish	Merwin	Struble
Berry	Friend	J. W. Miller	Talmage
Bowen	Gallagher	Muller	G. Taylor
Bradley	Gedney	Oakley	Tewksbury
Braman	Hanrahan	Page	Tremain
Brown	Hauschel	Petty	Vedder
Burtis	Hepburn	Pierson	Vosburgh
Clark	Hess	Ransom	West
Cleary	Hinckley	Reilly	Willis
Coffey	Hogan	Roscoe	Wurts
Cooke	Hussey	Schenck	Yost
Costigan	Husted	Seward	

Those who voted in the negative, were

Benedict	Kirk	Sanford	Sherwood
T. C. Campbell	Krack	Schieffelin	Smith
Cole	Lillybridge	Schuyler	Whitmore

On motion of Mr. Husted, said bill was laid aside until to-morrow morning.

The bill entitled "An act to amend chapter 521 of the Laws of 1857, entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Seward
Badger	Ely	Law	Sherman
Barkley	Faulkner	Lawrence	Sherwood
Beardsley	Fream	Lillybridge	Smith
Benedict	Friend	Lincoln	Speaker
Berry	Gallagher	McGowan	Stacy
Bowen	Gedney	McGroarty	Stephens
Bradley	Hammond	Merwin	Struble
Braman	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	Peck	W. F. Taylor
Clark	Hinckley	Petty	Tremain
Cleary	Hogan	Pierson	Vedder
Coffey	Holmes	Prince	Vosburgh
Cole	Hussey	Ransom	Waehner
Cooke	Husted	Reilly	West
Costigan	Ives	Russell	Willis
Daly	W. Johnson	Schenck	Witbeck
Decker	Kirk	Schieffelin	Wurts
Dessar	Krack	Souder	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to legalize and confirm the proceedings of the incorporation of the village of Canisteo, in the county of Steuben, and the election of the officers therein," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Schuyler
Badger	Ely	Lewis	Seward
Barkley	Faulkner	Lillybridge	Sherman
Beach	Friend	Lincoln	Sherwood
Benedict	Gallagher	McGowan	Smith
Bennett	Gedney	McGroarty	Speaker
Berry	Hammond	Merwin	Stauf
Bowen	Hanrahan	J. W. Miller	Stephens
Bradley	Hepburn	Oakley	Struble
Braman	Hess	O'Keefe	Talmage
Burtis	Hinckley	Page	G. Taylor
T. C. Campbell	Hogan	Petty	W. F. Taylor
Clark	Holmes	Pierson	Tewksbury
Cleary	Hussey	Prince	Vedder
Coffey	Husted	Ransom	Vosburgh
Cole	Ives	Rich	Waehner
Cooke	W. Johnson	Russell	West
Costigan	Kirk	Sanford	Willis
Daly	Krack	Schenck	Wurts
Decker	Kshinka	Schieffelin	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Seward
Badger	Edson	Lawrence	Shattuck
Barkley	Ely	Lewis	Sherman

Beach	Faulkner	Lillybridge	Smith
Beardsley	Fish	Lincoln	Speaker
Benedict	Friend	McGowan	Stauf
Bennett	Gallagher	McGroarty	Stephens
Berry	Gedney	Merwin	Struble
Bradley	Hanrahan	J. W. Miller	Talmage
Braman	Hauschel	Muller	G. Taylor
Burtis	Hepburn	Oakley	W. F. Taylor
T. C. Campbell	Hess	Page	Tewksbury
Clark	Hinckley	Petty	Tremain
Cleary	Hogan	Pope	Vedder
Coffey	Holmes	Prince	Vosburgh
Cole	Husted	Ransom	Waehner
Cooke	Ives	Russell	West
Costigan	W. Johnson	Sanford	Willis
Daly	Kirk	Schenck	Wurts
Decker	Krack	Schieffelin	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act making an appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lincoln	Shattuck
Badger	Ely	McGowan	Sherman
Barkley	Faulkner	McGroarty	Sherwood
Beach	Fish	Merwin	Smith
Beardsley	Friend	J. W. Miller	Speaker
Benedict	Gallagher	Muller	Stauf
Bennett	Gedney	Page	Stephens
Berry	Hammond	Peck	Struble
Bradley	Hanrahan	Petty	Talmage
Braman	Hess	Prince	G. Taylor
Burtis	Hinckley	Ransom	W. F. Taylor
T. J. Campbell	Hogan	Reilly	Tewksbury
Clark	Husted	Roscoe	Vedder
Cleary	Ives	Russell	Vosburgh
Coffey	W. Johnson	Sanford	Waehner
Cole	Kirk	Schenck	West
Cooke	Krack	Schieffelin	Willis
Costigan	Kshinka	Schuyler	Wurts
Daly	Lawrence	Seward	Yost
Dessar	Lillybridge		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to water companies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Seward
Badger	Edson	Kshinka	Sherman
Barkley	Ely	Lawrence	Sherwood
Beach	Faulkner	Lewis	Smith
Beardsley	Fay	Lillybridge	Speaker
Benedict	Fish	Lincoln	Stauf
Bennett	Friend	McGowan	Stephens
Berry	Gallagher	McGroarty	Struble
Bradley	Gedney	Merwin	Talmage
Braman	Green	J. W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	W. F. Taylor
T. C. Campbell	Hauschel	Peck	Tewksbury
Clark	Hess	Petty	Vosburgh
Cleary	Hinckley	Pierson	Waehner
Coffey	Hogan	Prince	Wenzel
Cole	Holmes	Ransom	West
Cooke	Husted	Reilly	Willis
Costigan	Ives	Roscoe	Wurts
Daly	W. Johnson	Russell	Yost
Decker	Kirk	Schenck	

For the negative,  
Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the Regents of the University to establish examinations as to attainments in learning," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daly	Husted	Reilly
Badger	Decker	W. Johnson	Schieffelin
Beach	Dessar	Kirk	Seward
Beardsley	Edson	Krack	Sherman
Benedict	Ely	Kshinka	Smith



Bennett	Farrar	Lawrence	Speaker
Berry	Faulkner	Lillybridge	Stephens
Bradley	Fay	Lincoln	Struble
Braman	Fish	McGowan	Talmage
Burtis	Friend	McGroarty	G. Taylor
T. C. Campbell	Gallagher	Merwin	W. F. Taylor
Clark	Gedney	J. W. Miller	Tewksbury
Cleary	Hammond	Muller	Vedder
Coffey	Hanrahan	Oakley	Vosburgh
Cole	Hess	Page	Willis
Cooke	Hinckley	Pierson	Yost
Costigan	Holmes	Ransom	

Those who voted in the negative, were

Hepburn	Schuyler	Wenzel	Whitmore
Hogan			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to taxes on lands sold by the State, and to amend the Revised Statutes in relation thereto," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lewis	Sherwood
Badger	Ely	Lillybridge	Slingerland
Barkley	Faulkner	Lincoln	Smith
Beach	Fish	McGowan	Speaker
Beardsley	Friend	McGroarty	Stauf
Benedict	Gallagher	Merwin	Stephens
Bennett	Gedney	J. W. Miller	Struble
Berry	Hanrahan	Oakley	Talmage
Bradley	Hauschel	Page	G. Taylor
Braman	Hepburn	Petty	W. F. Taylor
Burtis	Hess	Pierson	Tewksbury
T. C. Campbell	Hinckley	Prince	Tremain
Christopher	Hogan	Ransom	Vedder
Clark	Holmes	Reilly	Vosburgh
Cleary	Husted	Roscoe	Waehner
Coffey	Ives	Russell	Wenzel
Cole	W. Johnson	Schieffelin	West
Cooke	Kirk	Seward	Willis
Costigan	Krack	Shattuck	Wurts
Daly	Kshinka	Sherman	Yost
Decker	Lawrence		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to the Civil Code," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Seward
Badger	Edson	Kshinka	Shattuck
Barkley	Ely	Lawrence	Sherman
Beach	Faulkner	Lillybridge	Sherwood
Beardsley	Fay	Lincoln	Smith
Benedict	Fish	McGowan	Speaker
Bennett	Friend	McGroarty	Stauf
Berry	Gallagher	Merwin	Stephens
Bowen	Gedney	J. W. Miller	Struble
Bradley	Hanrahan	Muller	Talmage
Braman	Hauschel	Oakley	G. Taylor
Burtis	Hepburn	Page	W. F. Taylor
T. C. Campbell	Hess	Petty	Tewksbury
Clark	Hinckley	Pierson	Vedder
Cleary	Hogan	Prince	Vosburgh
Coffey	Holmes	Ransom	Waehner
Cole	Husted	Reilly	Wenzel
Cooke	Ives	Roscoe	Willis
Costigan	W. Johnson	Sanford	Wurts
Daggett	Kirk	Schieffelin	Yost
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Syracuse to repave Salina street in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Lewis	Sherman
Badger	Ely	Lillybridge	Sherwood
Barkley	Faulkner	Lincoln	Slingerland
Beach	Fay	McGowan	Smith
Beardsley	Friend	McGroarty	Speaker
Benedict	Gallagher	Merwin	Stephens
Bennett	Gedney	J. W. Miller	Struble
Berry	Hanrahan	Oakley	Talmage
Bowen	Hauschel	Page	G. Taylor

Bradley	Hepburn	Peck	W. F. Taylor
Braman	Hinckley	Petty	Tewksbury
Burtis	Hogan	Pierson	Tremain
T. C. Campbell	Holmes	Prince	Vedder
Clark	Husted	Ransom	Vosburgh
Cleary	Ives	Reilly	Waehner
Coffey	W. Johnson	Roscoe	Wenzel
Cole	Kirk	Schenck	West
Costigan	Krack	Schieffelin	Willis
Daly	Kshinka	Schuyler	Wurts
Decker	Lawrence	Seward	Yost
Dessar			

For the negative,

Hess

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Sherman
Barkley	Faulkner	Lewis	Sherwood
Beach	Fay	Lillybridge	Smith
Beardsley	Fish	Lincoln	Speaker
Benedict	Friend	McGowan	Stauf
Bennett	Gallagher	McGroarty	Struble
Berry	Gedney	Merwin	Talmage
Bradley	Hanrahan	J. W. Miller	G. Taylor
Braman	Hauschel	Oakley	W. F. Taylor
Burtis	Hepburn	Page	Tewksbury
T. C. Campbell	Hess	Petty	Vedder
Clark	Hinckley	Pierson	Vosburgh
Cleary	Hogan	Prince	Wachner
Coffey	Holmes	Ransom	Wenzel
Cole	Husted	Reilly	West
Cooke	Ives	Roscoe	Whitmore
Costigan	W. Johnson	Schieffelin	Willis
Daly	Kirk	Schuyler	Wurts
Dessar	Krack	Seward	Yost
Edson	Kshinka	Shattuck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to provide for the building of a town-house in the town of Fort Covington, in the county of Franklin," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Shattuck
Badger	Ely	Lewis	Sherman
Barkley	Farrar	Lillybridge	Sherwood
Beach	Faulkner	Lincoln	Smith
Beardsley	Fish	McGowan	Speaker
Benedict	Friend	McGroarty	Stephens
Bennett	Gallagher	Merwin	Struble
Berry	Hammond	J. W. Miller	Talmage
Bradley	Hanrahan	Oakley	G. Taylor
Braman	Hepburn	Page	W. F. Taylor
Burtis	Hess	Peck	Tewksbury
T. C. Campbell	Hinckley	Petty	Tremain
Clark	Hogan	Pope	Vedder
Cleary	Holmes	Prince	Vosburgh
Coffey	Husted	Ransom	Waehner
Cole	Ives	Rich	Wenzel
Cooke	W. Johnson	Roscoe	West
Costigan	Kirk	Schenck	Whitmore
Daly	Krack	Schieffelin	Wurts
Decker	Kshinka	Seward	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act to authorize appropriations for the poor adult blind in the city of New York, not provided for in public or private institutions," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lewis	Sherman
Badger	Faulkner	Lillybridge	Sherwood
Barkley	Fay	Lincoln	Smith
Beach	Fish	McGowan	Speaker
Beardsley	Friend	McGroarty	Stephens
Benedict	Gallagher	Merwin	Struble
Bennett	Green	J. W. Miller	Talmage
Berry	Hammond	Oakley	G. Taylor
Bradley	Hanrahan	O'Keefe	W. F. Taylor

Braman	Hauschel	Page	Tewksbury
Burtis	Hess	Petty	Tremain
T. C. Campbell	Hinckley	Pierson	Vedder
Clark	Hogan	Prince	Vosburgh
Cleary	Holmes	Ransom	Waehner
Coffey	Husted	Rich	Wellington
Cole	Ives	Roscoe	Wenzel
Cooke	W. Johnson	Schieffelin	West
Costigan	Kirk	Schuyler	Willis
Daly	Krack	Seward	Wurts
Dessar	Kshinka	Shattuck	Yost
Edson	Lawrence		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn,'" being announced for a third reading,

Mr. Petty moved to recommit said bill to the committee on commerce and navigation, with instructions to make the following amendments and report forthwith:

Section 1, line 38, strike out the words "but no boat or vessel shall pay less than fifty cents for a day or for a part of a day."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

) AYES 67 )  
( NOES 1 )

Those who voted in the affirmative, were

Alvord	Daly	Lawrence	Speaker
Badger	Decker	Lewis	Stacy
Beach	Dessar	Lincoln	Stauf
Beardsley	Edson	McGroarty	Stephens
Benedict	Ely	Merwin	Struble
Bennett	Faulkner	Oakley	Talmage
Berry	Friend	Pierson	G. Taylor
Bowen	Gallagher	Ransom	Tewksbury
Bradley	Gedney	Reilly	Vedder
Braman	Hauschel	Roscoe	Vosburgh
Burtis	Hess	Russell	Waehner
T. C. Campbell	Hogan	Schieffelin	Wenzel
Clark	Holmes	Seward	West
Coffey	Husted	Shattuck	Whitmore
Cole	Ives	Sherman	Willis
Cooke	Kirk	Sherwood	Yost
Costigan	Krack	Smith	

For the negative,

Petty

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act in relation to the collection of uncollected taxes in the village of Brockport," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Badger	Edson	Kshinka	Seward
Barkley	Ely	Lawrence	Shattuck
Beach	Farrar	Lillybridge	Sherman
Beardsley	Faulkner	Lincoln	Silverman
Benedict	Fish	McGowan	Smith
Bennett	Friend	McGroarty	Speaker
Berry	Gallagher	Merwin	Stacy
Bradley	Gedney	J. W. Miller	Stauf
Braman	Hanrahan	Oakley	Stephens
Burtis	Hauschel	O'Keefe	Talmage
T. C. Campbell	Hepburn	Peck	G. Taylor
Clark	Hess	Petty	Tremain
Cleary	Hinckley	Pierson	Vedder
Coffey	Hogan	Prince	Vosburgh
Cole	Holmes	Ransom	Waehner
Cooke	Husted	Rich	Wenzel
Costigan	Ives	Roscoe	Willis
Daly	W. Johnson	Sanford	Wurts
Decker	Kirk	Schieffelin	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Alvord, at 9 o'clock and 50 minutes, the House adjourned.

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TUESDAY, MAY 11, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Durant.

The reading of the journal of yesterday was dispensed with.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business, third reading of bills.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, amended January 12, 1872, amended May 22, 1872."

"An act to amend an act entitled 'An act to amend the charter of the city of Buffalo,' passed April 28, 1870."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act in relation to parsonages in certain cases," recalled from the Governor for amendment, with a message informing that they had reconsidered the vote upon the final passage of said bill, and passed the same as amended by the Assembly.

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Daly introduced a bill entitled "An act in relation to the powers and duties of the department of public parks of the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Daly, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Shiel introduced a bill entitled "An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, by unanimous consent, a bill entitled "An act to create a board of trustees for the town of Westchester, and to define their powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Witbeck introduced a bill entitled "An act to extend the time for the completion of the Albany, Sandlake and Stephentown Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Hinckley presented a petition from tax payers of Chautauqua county, relative to taxation; which was read and referred to the committee on ways and means.

By unanimous consent, Mr. Beardsley introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Montezuma,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

By unanimous consent, Mr. Kshinka introduced a bill entitled "An act to release the interest of the State of New York in certain real estate in the city of Albany of which William Wilcox died seized," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Kshinka, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Also, by unanimous consent, presented a petition on the same subject.

By unanimous consent, Mr. McGowan introduced a bill entitled "An act to provide for the improvement of streets, roads and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGowan, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Sherwood offered for the consideration of the House a resolution, in the words following :



Concurrent resolution proposing an amendment to article 1 of the Constitution.

*Resolved* (if the Senate concur), That a proposition to amend article 1 of the Constitution of this State be submitted to the Legislature to be chosen at the next election of Senators by adding the following as section 19:

“§ 19. No intoxicating liquors shall be sold or kept for sale as a beverage, and sales thereof for other purposes shall be made under such conditions only as the Legislature may by law prescribe. The Legislature shall provide for suitable punishment by fine and imprisonment for all violations of this section and of the Laws made in pursuance thereof.”

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

Pursuant to a joint resolution of the Senate and Assembly, the Governor returned the bill entitled “An act to amend chapter 729 of the Laws of 1871, entitled ‘An act authorizing the board of supervisors of the county of Essex to levy and assese certain taxes on certain lands in the town of Minerva, in said county.’”

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lewis	Sherman
Badger	Ely	Lillybridge	Sherwood
Barkley	Faulkner	Lincoln	Shiel
Beach	Fish	Mackin	Smith
Beardsley	Friend	McGowan	Speaker
Benedict	Gallagher	McGroarty	Stauf
Bennett	Hammond	Merwin	Stephens
Berry	Hanrahan	J. W. Miller	Struble
Bowen	Hepburn	Oakley	Talmage
Bradley	Hess	Page	G. Taylor
Braman	Hinckley	Peck	W. F. Taylor
Broas	Hogan	Petty	Tewksbury
Burtis	Holmes	Pierson	Tremain
T. C. Campbell	Husted	Prince	Vedder
Cleary	Ives	Ransom	Vosburgh
Coffey	W. Johnson	Reilly	Waehner
Comstock	Kennaday	Russell	Wenzel
Cooke	Kirk	Schenck	West
Costigan	Krack	Schieffelin	Willis
Daly	Kshinka	Seward	Wurts
Decker	Lawrence	Shattuck	Yost

On motion of Mr. Calkins, and by unanimous consent, said bill was amended as follows:

Section 1, line 13, strike out all commencing with the words “on lot” down to and including the word “cents” in line 18. Same section,

line 30, strike out all with the words commencing "on lot" down to and including the word "cents" in line 33.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Seward
Badger	Farrar	Lewis	Shattuck
Barrow	Faulkner	Lincoln	Sherman
Beardsley	Friend	Mackin	Sherwood
Benedict	Gallagher	McGowan	Shiel
Bennett	Gedney	McGroarty	Speaker
Berry	Green	Merwin	Stacy
Bowen	Hanrahan	J. W. Miller	Stephens
Bradley	Hauschel	Oakley	Struble
Braman	Hess	Page	G. Taylor
Burtis	Hinckley	Peck	W. F. Taylor
T. C. Campbell	Hogan	Petty	Vedder
Clark	Holmes	Pope	Vosburgh
Coffey	Husted	Prince	Waehner
Cole	Ives	Ransom	Wenzel
Cooke	W. Johnson	Reilly	West
Costigan	Kirk	Roscoe	Willis
Daly	Krack	Schenck	Wurts
Decker	Xshinka	Schieffelin	Yost
Edson	Law	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

A message from the Senate was received and read, in the words following:

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond, in the county of Richmond,' passed April 24, 1866, and the act amendatory thereof, passed April 25, 1867, and also to amend chapter 467 of the Laws of 1874, being an act amendatory of said above-mentioned acts."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. King, and by unanimous consent, the same was amended as follows:

Section 1, lines 5 and 6, strike out the words "and the act amendatory of said act, passed April 25, 1867," and insert in lieu thereof the words "as amended by chapter 804 of the Laws of 1867."

Amend the title by striking out the words "and the acts amendatory thereof, passed April 25, 1867," and insert in lieu thereof the words "as amended by chapter 804 of the Laws of 1867."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lawrence	Seward
Badger	Fay	Lewis	Shattuck
Beach	Friend	Lillybridge	Sherman
Beardsley	Gallagher	Lincoln	Shiel
Benedict	Gedney	McGowan	Slingerland
Berry	Hammond	McGroarty	Smith
Bowen	Hanrahan	Merwin	Stacy
Bradley	Hauschel	J. W. Miller	Stauf
Braman	Hess	Oakley	Struble
Burtis	Hinckley	O'Keefe	Talmage
T. C. Campbell	Hogan	Page	G. Taylor
Clark	Holmes	Petty	Tewksbury
Cleary	Houghton	Pope	Vedder
Coffey	Husted	Prince	Vosburgh
Cooke	Ives	Ransom	Waehner
Costigan	W. Johnson	Reilly	Wenzel
Daly	Kirk	Roscoe	West
Dessar	Krack	Schenck	Willis
Edson	Kshinka	Schieffelin	Wurts
Ely	Law	Scudder	Yost
Farrar			

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schenck
Badger	Ely	Krack	Schuyler
Barkley	Farrar	Kshinka	Soudder
Barrow	Faulkner	Law	Seward
Bennett	Fish	Lawson	Sherman
Berry	Friend	Lillybridge	Shiel
Bishop	Gallagher	Lincoln	Smith
Bowen	Gedney	McGowan	Speaker
Bradley	Griffin	McGroarty	Stauf
Braman	Hanrahan	Merwin	Struble
Burtis	Hauschel	J. W. Milier	Talmage
T. C. Campbell	Hepburn	Muller	G. Taylor
Clark	Hess	O'Keefe	W. F. Taylor
Cleary	Hinckley	Page	Vedder

Cole	Hogan	Petty	Vosburgh
Cooke	Holmes	Pierson	Wenzel
Costigan	Hussey	Prince	West
Daggett	Husted	Ransom	Willis
Daly	Ives	Rich	Witbeck
Decker	W. Johnson	Russell	Wurts
Dessar	Keenan	Sanford	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire.'"

Mr. Tewksbury moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Scudder
Badger	Edson	Lewis	Seward
Barrow	Ely	Lillybridge	Shattuck
Beach	Farrar	Lincoln	Sherman
Beardsley	Faulkner	McAfee	Shiel
Benedict	Friend	McGowan	Smith
Bennett	Gallagher	McGroarty	Speaker
Berry	Green	Merwin	Stauf
Bowen	Griffin	J. W. Miller	Struble
Bradley	Hanrahan	Oakley	G. Taylor
Burtis	Hauschel	O'Keefe	W. F. Taylor
T. C. Campbell	Hess	Page	Tremain
Clark	Hinckley	Petty	Vedder
Cleary	Holmes	Pierson	Vosburgh
Coffey	Husted	Prince	Waehner
Comstock	Ives	Ransom	Wenzel
Cooke	W. Johnson	Roscoe	West
Costigan	Kirk	Russell	Witbeck
Daly	Krack	Schenck	Wurts
Decker	Kshinka	Schieffelin	Yost

On motion of Mr. Tewksbury, and by unanimous consent, said bill was amended as follows:

Section 1, line 2, strike out the word "four" and insert in lieu thereof the word "one."

Amend the title by striking out the word "four" and inserting in lieu thereof the word "one."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lincoln	Shiel
Barkley	Fish	Mackin	Silverman
Beach	Friend	McGowan	Smith
Beardsley	Gallagher	McGroarty	Speaker
Berry	Griffin	Merwin	Stauf
Bradley	Hammond	J. W. Miller	Stephens
Braman	Hauschel	Oakley	Struble
Brown	Hess	O'Keefe	Talmage
Burtis	Hinckley	Peck	G. Taylor
T. C. Campbell	Hogan	Pierson	W. F. Taylor
Clark	Holmes	Pope	Tewksbury
Cleary	Husted	Ransom	Tremain
Coffey	Ives	Reilly	Vedder
Cooke	W. Johnson	Roscoe	Waehner
Costigan	Kirk	Russell	Wenzel
Daly	Krack	Schenck	West
Dessar	Kshinka	Schieffelin	Willis
Edson	Lawrence	Scudder	Witbeck
Ely	Lewis	Seward	Wurts
Farrar	Lillybridge	Sherman	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act to amend the Revised Statutes in reference to laying out public roads and the alteration thereof."

Mr. Badger moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Faulkner	Lillybridge	Seward
Badger	Fish	Lincoln	Shattuck
Barkley	Friend	Mackin	Sherman
Barrow	Gallagher	McAfee	Shiel
Beardsley	Griffin	McGowan	Smith
Benedict	Hanrahan	McGroarty	Speaker

Bishop	Hauschel	Merwin	Stauf
Bradley	Hess	J. W. Miller	Struble
Braman	Hinckley	Oakley	Talmage
Broas	Hogan	O'Keefe	G. Taylor
Burtis	Holmes	Petty	W. F. Taylor
T. C. Campbell	Houghton	Pierson	Tewksbury
Cleary	Husted	Pope	Tremain
Coffey	Ives	Prince	Vedder
Comstock	W. Johnson	Ransom	Vosburgh
Costigan	Kirk	Reilly	Waehner
Daly	Krack	Russell	Wenzel
Decker	Kshinka	Sanford	Willis
Dessar	Law	Schenck	Wurts
Edson	Lawrence	Schieffelin	Yost
Farrar	Lewis		

On motion of Mr. Badger, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, strike out the word "seventy-five" and insert the word "sixty." Line 3, same section, strike out the words "fifth edition."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lewis	Scudder
Badger	Edson	Lillybridge	Seward
Barrow	Ely	Lincoln	Shattuck
Beach	Farrar	Mackin	Sherman
Beardsley	Faulkner	McGowan	Shiel
Benedict	Fish	McGroarty	Smith
Bennett	Friend	Merwin	Speaker
Berry	Gallagher	J. W. Miller	Stauf
Bordwell	Green	Muller	Struble
Bowen	Hanrahan	Oakley	Talmage
Bradley	Hepburn	Page	G. Taylor
Braman	Hess	Petty	Tewksbury
Burtis	Hogan	Pierson	Vedder
T. C. Campbell	Houghton	Prince	Vosburgh
Clark	Husted	Ransom	Waehner
Cleary	Ives	Rich	Wenzel
Cole	W. Johnson	Roscoe	West
Cooke	Kirk	Russell	Willis
Costigan	Krack	Schenck	Wurts
Daly	Kshinka	Schuyler	Yost
Decker	Law		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the

Governor returned for amendment the bill entitled "An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain."

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kshinka	Seward
Badger	Farrar	Law	Sherman
Barkley	Faulkner	Lawrence	Sherwood
Beach	Friend	Lewis	Silverman
Benedict	Gallagher	McGowan	Slingerland
Bennett	Gedney	McGroarty	Smith
Berry	Hammond	Merwin	Speaker
Bordwell	Hanrahan	J. W. Miller	Stauf
Bradley	Hauschel	Oakley	Struble
Braman	Hess	O'Keefe	Talmage
Burtis	Hinckley	Page	G. Taylor
T. C. Campbell	Hogan	Pierson	W. F. Taylor
Clark	Holmes	Pope	Tewksbury
Cleary	Houghton	Prince	Vedder
Cole	Hussey	Ransom	Waehner
Comstock	Husted	Rich	Wenzel
Costigan	Ives	Roscoe	West
Daly	W. Johnson	Schenck	Willis
Dessar	Kirk	Schieffelin	Wurts
Edson	Krack	Scudder	Yost

On motion of Mr. Bowen, and by unanimous consent, said bill was amended as follows:

Section 1, line 10, strike out all after the word "shall" down to and including the word "shall" in line 11. Same section, strike out lines 14 and 15.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Lawrence	Shattuck
Badger	Dessar	Lewis	Sherman
Barkley	Edson	Lincoln	Sherwood
Beach	Ely	McGowan	Shiel
Beardsley	Faulkner	McGroarty	Smith
Benedict	Fish	Merwin	Speaker
Bennett	Friend	J. W. Miller	Stauf



Berry	Gallagher	Oakley	Struble
Bordwell	Green	Page	Talmage
Bowen	Hanrahan	Peck	G. Taylor
Bradley	Hauschel	Pierson	W. F. Taylor
Braman	Hess	Pope	Tewksbury
Brown	Hinckley	Prince	Vedder
Burtis	Hussey	Ransom	Vosburgh
T. C. Campbell	Husted	Rich	Waehner
Clark	Ives	Russell	Wenzel
Cleary	W. Johnson	Schenck	West
Cole	Keenan	Schieffelin	Whitmore
Cooke	Kirk	Schuyler	Willis
Costigan	Krack	Scudder	Wurts
Daly	Kshinka	Seward	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital."

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Shattuck
Badger	Farrar	Lawrence	Sherman
Barkley	Faulkner	Lewis	Shiel
Beach	Fay	Lincoln	Silverman
Benedict	Fish	Mackin	Smith
Bennett	Friend	McGowan	Speaker
Berry	Gallagher	McGroarty	Stauf
Bordwell	Green	J. W. Miller	Stephens
Bradly	Griffin	Muller	Struble
Braman	Hanrahan	Oakley	Talmage
Brown	Hepburn	Page	G. Taylor
Burtis	Hess	Petty	W. F. Taylor
T. C. Campbell	Hinckley	Pierson	Tewksbury
Clark	Holmes	Prince	Tremain
Cleary	Hussey	Ransom	Vedder
Cole	Husted	Roscoe	Vosburgh
Cooke	Ives	Russell	Wenzel
Costigan	W. Johnson	Schenck	West
Davis	Kirk	Schieffelin	Willis
Decker	Krack	Schuyler	Wurts
Edson	Kshinka	Seward	Yost

On motion of Mr. Kshinka, and by unanimous consent, said bill was amended as follows:

Section 1, line 5, after the word "of" strike out all down to and

including the word "statutes" in line 6, and insert in lieu thereof the words "chapter 319 of the Laws of 1848." Same section, line 9, strike out all after the word "of" down to and including the word "statutes" in line 10, and insert in lieu thereof the words "chapter 319 of the Laws of 1848."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Badger	Edson	Kshinka	Soudder
Barkley	Ely	Lawrence	Seward
Beach	Farrar	Lewis	Sherman
Beardsley	Faulkner	Mackin	Sherwood
Benedict	Fay	McAfee	Silverman
Berry	Fish	McGowan	Slingerland
Bordwell	Friend	McGroarty	Speaker
Bradley	Gallagher	J. W. Miller	Stacy
Braman	Green	Muller	Stauf
Brogan	Hammond	Oakley	Struble
Brown	Hanrahan	Page	Talmage
Burtis	Hauschel	Peck	G. Taylor
T. C. Campbell	Hepburn	Pierson	Tewksbury
Clark	Hess	Pope	Vedder
Cleary	Hogan	Prince	Vosburgh
Cole	Holmes	Ransom	Wellington
Comstock	Hussey	Reilly	West
Cooke	Husted	Rich	Willis
Daggett	Ives	Sanford	Wurts
Daly	W. Johnson	Schenck	Yost
Davis	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act to amend an act to incorporate the village of New Brighton, passed April 20, 1866, amended April 22, 1867, April 27, 1871, March 27, 1872, and May 14, 1873."

Mr. Stephens moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Badger	Dessar	Law	Shattuck
Barkley	Edson	Lawrence	Sherwood
Barrow	Ely	Lincoln	Silverman
Beach	Faulkner	Mackin	Slingerland
Beardsley	Fish	McGowan	Smith
Benedict	Friend	McGroarty	Speaker
Bennett	Gallagher	Merwin	Stephens
Berry	Green	J. W. Miller	Struble
Bordwell	Griffin	Oakley	Talmage
Bowen	Hammond	O'Keefe	G. Taylor
Bradley	Hanrahan	Page	W. F. Taylor
Braman	Hepburn	Petty	Tremain
Burtis	Hess	Pierson	Vedder
Calkins	Hinckley	Pope	Vosburgh
T. C. Campbell	Hogan	Prince	Waehner
Clark	Houghton	Ransom	Wellington
Cleary	Husted	Rich	Wenzel
Coffey	Ives	Russell	West
Comstock	W. Johnson	Sanford	Willis
Cooke	W. A. Johnson	Schenck	Wurts
Costigan	Kirk	Schuyler	Yost
Daly	Krack	Scudder	

On motion of Mr. Stephens, and by unanimous consent, said bill was amended as follows:

Strike out section 16 and insert in lieu thereof as follows:

"§ 16. The county police of the county of Richmond shall execute all lawful ordinances, by-laws and regulations of the board of trustees of the village of New Brighton. Said trustees shall cause a certified copy of all ordinances, by-laws and regulations to be enforced by the county police to be served upon the board of commissioners of police for the county of Richmond, who shall make from time to time all such necessary rules and regulations for the police under their control as shall be necessary or proper for the enforcement of all such ordinances, by-laws and regulations."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Scudder
Badger	Edson	Krack	Seward
Barkley	Ely	Kshinka	Sherman
Beach	Farrar	Law	Sherwood

Beardsley	Faulkner	Lillybridge	Shiel
Benedict	Fay	Lincoln	Smith
Berry	Fish	McGowan	Speaker
Bordwell	Friend	McGroarty	Stauf
Bowen	Gallagher	Merwin	Stephens
Bradley	Griffin	J. W. Miller	Struble
Braman	Hanrahan	Oakley	Talmage
Burtis	Hauschel	O'Keefe	G. Taylor
T. C. Campbell	Hess	Page	W. F. Taylor
Clark	Hinckley	Petty	Tremain
Cleary	Hogan	Pierson	Vedder
Coffey	Houghton	Prince	Vosburgh
Comstock	Hussey	Ransom	Waehner
Cooke	Husted	Rich	Wenzel
Costigan	Ives	Roscoe	West
Daggett	W. Johnson	Sanford	Willis
Daly	W. A. Johnson	Schenck	Wurts
Decker	Kennaday	Schieffelin	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act in relation to railroad corporations," with a message informing that they concur in the amendment made by the Assembly to said bill, except to that portion thereof expressed by the words "or the county of Kings," and to that portion they do non-concur.

Mr. Alvord moved that the Assembly recede from the amendment non-concurred in by the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lawrence	Shattuck
Badger	Fay	Lillybridge	Sherwood
Barkley	Fish	Lincoln	Shiel
Beach	Friend	McGowan	Slingerland
Benedict	Gallagher	McGroarty	Smith
Berry	Green	Merwin	Speaker
Bordwell	Griffin	J. W. Miller	Stauf
Bradley	Hanrahan	Muller	Stephens
Braman	Hepburn	O'Keefe	Struble
Burtis	Hess	Peck	Talmage
T. C. Campbell	Hinckley	Petty	G. Taylor
T. J. Campbell	Holmes	Pope	Tewksbury
Clark	Houghton	Prince	Tremain
Cleary	Husted	Ransom	Vedder
Cole	Ives	Rich	Vosburgh
Comstock	W. Johnson	Roscoe	Wenzel
Costigan	W. A. Johnson	Russell	West
Daly	Kennaday	Schenck	Whitmore
Decker	Kirk	Schieffelin	Witbeck

Dessar  
Edson  
Farrar

Krack  
Kshinka  
Law

Scudder  
Seward

Wurts  
Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly recede from that portion of the amendment non-concurred in by the Senate.

The Senate returned the bill entitled "An act to protect the owners of bottles, boxes, baskets, casks and syphons used in the sale of soda waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 17, strike out the words "acting for himself or for another person."

Line 20, strike out the words "in the penal" and insert the words "and shall forfeit to the party aggrieved a."

Line 21, strike out the words "one hundred" and insert the word "twenty-five."

Strike out all of section 2 after the word "offense," in line 22.

Section 3, strike out all after the word "act," in line 4.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Costigan	Holmes	Peck
Barkley	Daggett	Hussey	Ransom
Beach	Daly	Husted	Reilly
Beardsley	Davis	Ives	Roscoe
Benedict	Dessar	W. A. Johnson	Schuyler
Bennett	Edson	Kennaday	Scudder
Berry	Ely	Kshinka	Seward
Bordwell	Farrar	Law	Shattuck
Bowen	Faulkner	Lewis	Shiel
Bradley	Fay	Lillybridge	Slingerland
Braman	Fish	Lincoln	Smith
Broas	Friend	Mackin	Speaker
Brown	Gedney	McGowan	Stauf
Calkins	Green	McGroarty	Stephens
T. C. Campbell	Griffin	Merwin	Struble
T. J. Campbell	Hauschel	J. W. Miller	Talmage
Clark	Hess	Muller	Vosburgh
Coffey	Hinckley	Oakley	Wenzel
Comstock	Hogan	O'Keefe	Yost
Cooke			

Those who voted in the negative, were

Decker	Petty	W. F. Taylor	Willis
Kirk			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act providing that the bridge in the course of construction over the East river, between the cities of New York and Brooklyn, by the New York Bridge Company, shall be a public work of the cities of New York and Brooklyn, and for the dissolution of said company, and the completion and management of the said bridge by the said cities," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out section 2 and insert the following:

"§ 2. Within twenty days from and after the passage of this act, the mayor and comptroller and president of the board of aldermen of the city of New York, or a majority of said officers, shall appoint eight persons as trustees for the purpose of managing and constructing said bridge, and within the same period the mayor and comptroller and city auditor of the city of Brooklyn, or a majority of said officers, shall appoint eight persons as trustees for the purposes aforesaid. The said persons so appointed, together with the mayors and comptrollers of said cities, shall constitute the board of trustees of said bridge, and shall have full power, control and direction over the plan and construction of said bridge; and the provisions of said chapter in regard to the power and duties of the directors of said company, and the power and duties of the mayors and comptrollers of said cities therein provided, shall in all respects be applicable to said trustees and said mayors and comptrollers respectively. The trustees so appointed shall hold office for two years, and at the expiration of their term their successors shall be appointed in the manner aforesaid. Any vacancy occurring by the death, resignation or removal from office of any trustee, shall be filled by appointment in the same manner and by the same officers as such trustee was appointed."

Section 3, line 19, after the word "mentioned" insert the following: "Provided, however, that the whole amount to be paid by both cities shall not exceed eight millions of dollars; and the city of New York shall not be called upon to pay a greater sum than one million dollars in any one year, and the city of Brooklyn not more than two millions in any one year."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Scudder
Barkley	Davis	Kennaday	Seward
Barrow	Decker	Kshinka	Shattuck
Beach	Dessar	Law	Sherwood
Beardsley	Edson	Lewis	Shiel
Benedict	Ely	Lillybridge	Slingerland
Bennett	Farrar	Lincoln	Stacy
Berry	Faulkner	Mackin	Stephens

Bordwell	Fish	McGroarty	Struble
Bowen	Friend	Merwin	Talmage
Bradley	Gedney	J. W. Miller	W. F. Taylor
Braman	Green	Muller	Tewksbury
Broas	Griffin	Oakley	Vosburgh
Calkins	Hammond	O'Keefe	Waehner
T. C. Campbell	Hanrahan	Petty	Wenzel
T. J. Campbell	Hauschel	Pope	Willis
Clark	Hinckley	Roscoe	Witbeck
Cleary	Hogan	Russell	Worth
Comstock	Holmes	Sanford	Wurts
Costigan	W. Johnson		

Those who voted in the negative, were

Burtis                      Hess

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

On motion of Mr. Burtis, and by unanimous consent,

*Resolved*, That the Sergeant-at-Arms be instructed to replace the movable shield or protector at the entrance to the cloak room, and that the doors leading from the cloak room be kept closed, and that no person be admitted into the cloak room during the sessions of the House who has not the privileges of the floor, and that the clerks and page boys be prohibited from conversing, while in the cloak room, in any louder voice than is their privilege when within the bar of the House.

Pursuant to a resolution of the Assembly, the Senate returned the bill entitled "An act to amend an act entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,' passed June 18, 1873."

Mr. Shiel moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths of all said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Sudder
Badger	Ely	Krack	Shattuck
Barkley	Farrar	Kshinka	Sherman
Barrow	Faulkner	Lawrence	Shiel
Beach	Fish	Lewis	Silverman
Benedict	Friend	Lincoln	Slingerland
Berry	Gallagher	McAfee	Smith
Bordwell	Green	McGowan	Speaker
Bradley	Griffin	McGroarty	Stauf
Braman	Hammond	Merwin	Struble
Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hauschel	Oakley	W. F. Taylor



<b>T. C. Campbell</b>	<b>Hinckley</b>	<b>O'Keefe</b>	<b>Tewksbury</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Peck</b>	<b>Vedder</b>
<b>Clark</b>	<b>Holmes</b>	<b>Pierson</b>	<b>Vosburgh</b>
<b>Cleary</b>	<b>Houghton</b>	<b>Prince</b>	<b>Wellington</b>
<b>Cole</b>	<b>Hussey</b>	<b>Ransom</b>	<b>Wenzel</b>
<b>Comstock</b>	<b>Husted</b>	<b>Rich</b>	<b>Whitmore</b>
<b>Cooke</b>	<b>Ives</b>	<b>Roscoe</b>	<b>Willis</b>
<b>Costigan</b>	<b>W. Johnson</b>	<b>Sanford</b>	<b>Witbeck</b>
<b>Daly</b>	<b>W. A. Johnson</b>	<b>Schenck</b>	<b>Wurts</b>
<b>Decker</b>	<b>Kennaday</b>	<b>Schuyler</b>	<b>Yost</b>
<b>Dessar</b>			

On motion of Mr. Shiel, and by unanimous consent, said bill was amended as follows :

Page 2, engrossed bill, strike out all of line 4 down to and including the word "appointed" in line 8.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ **AYES 90** }  
{ **NOES 00** }

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Davis</b>	<b>Krack</b>	<b>Schuyler</b>
<b>Badger</b>	<b>Dessar</b>	<b>Kshinka</b>	<b>Scudder</b>
<b>Barkley</b>	<b>Edson</b>	<b>Law</b>	<b>Shattuck</b>
<b>Barrow</b>	<b>Ely</b>	<b>Lawrence</b>	<b>Sherwood</b>
<b>Beach</b>	<b>Farrar</b>	<b>Lillybridge</b>	<b>Shiel</b>
<b>Benedict</b>	<b>Faulkner</b>	<b>Lincoln</b>	<b>Slingerland</b>
<b>Bennett</b>	<b>Fish</b>	<b>Mackin</b>	<b>Smith</b>
<b>Berry</b>	<b>Friend</b>	<b>McGowan</b>	<b>Speaker</b>
<b>Bordwell</b>	<b>Gallagher</b>	<b>McGroarty</b>	<b>Stauf</b>
<b>Bradley</b>	<b>Green</b>	<b>Merwin</b>	<b>Struble</b>
<b>Braman</b>	<b>Griffin</b>	<b>J. W. Miller</b>	<b>Talmage</b>
<b>Brown</b>	<b>Hammond</b>	<b>Muller</b>	<b>G. Taylor</b>
<b>Burtis</b>	<b>Hauschel</b>	<b>Oakley</b>	<b>Tremain</b>
<b>Calkins</b>	<b>Hepburn</b>	<b>Page</b>	<b>Vedder</b>
<b>T. C. Campbell</b>	<b>Hess</b>	<b>Petty</b>	<b>Vosburgh</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Pierson</b>	<b>Waehner</b>
<b>Clark</b>	<b>Houghton</b>	<b>Prince</b>	<b>Wenzel</b>
<b>Cleary</b>	<b>Husted</b>	<b>Ransom</b>	<b>West</b>
<b>Cole</b>	<b>Ives</b>	<b>Rich</b>	<b>Willis</b>
<b>Comstock</b>	<b>W. Johnson</b>	<b>Roscoe</b>	<b>Worth</b>
<b>Costigan</b>	<b>W. A. Johnson</b>	<b>Sanford</b>	<b>Wurts</b>
<b>Daggett</b>	<b>Kennaday</b>	<b>Schenck</b>	<b>Yost</b>
<b>Daly</b>	<b>Kirk</b>		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

On motion of Mr. Pope, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return to this House for

amendment of Assembly bill No. 530, entitled "An act to amend an act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter, passed April 29, 1868."

*Ordered*, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act to provide for the aid and support of the poor in the counties of Erie, Kings and New York,' passed April 30, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

The Senate bill entitled "An act to authorize the board of police of the city of New York to grant new trials," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 24 }

Those who voted in the affirmative, were

Alvord	Comstock	Hogan	Rich
Barkley	Costigan	Hussey	Roscoe
Barrow	Daggett	W. Johnson	Russell
Beardsley	Decker	W. A. Johnson	Sanford
Benedict	Dessar	Keenan	Shattuck
Bennett	Edson	Kennaday	Sherman
Berry	Ely	Kirk	Sherwood
Bordwell	Farrar	Lawrence	Shiel
Bradley	Faulkner	Lincoln	Speaker
Braman	Fay	McGowan	Stauf
Broas	Friend	McGroarty	Struble
Calkins	Gallagher	Merwin	G. Taylor
T. C. Campbell	Gedney	Muller	Vedder
T. J. Campbell	Green	Oakley	Vosburgh
Christopher	Hammond	Page	Waehner
Clark	Hanrahan	Peck	Wenzel
Cleary	Hauschel	Pierson	Whitmore
Coffey	Hess	Ransom	Worth
Cole	Hinckley	Reilly	Yost

Those who voted in the negative, were

Beach	Husted	Petty	Seward
Burtis	Ives	Pope	Slingerland
Cooke	Lewis	Prince	Smith
Daly	Lillybridge	Schieffelin	W. F. Taylor
Griffin	W. Miller	Schuyler	Witbeck
Holmes	O'Keefe	Scudder	Wurts

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to release the interest of the people of the

State of New York in certain real estate of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs-at-law to hold and convey the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schenck
Badger	Dessar	Krack	Schieffelin
Barkley	Edson	Kshinka	Scudder
Barrow	Ely	Law	Seward
Beach	Farrar	Lawrence	Shattuck
Beardsley	Faulkner	Lewis	Sherman
Benedict	Fay	Lillybridge	Shiel
Bennett	Friend	Lincoln	Silverman
Berry	Gallagher	McGowan	Smith
Bordwell	Gedney	McGroarty	Speaker
Bowen	Green	Merwin	Stauf
Bradley	Hammond	J. W. Miller	Stephens
Braman	Hanrahan	Muller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	Tewksbury
T. C. Campbell	Hess	Page	Tremain
T. J. Campbell	Hinckley	Petty	Vedder
Clark	Hogan	Pierson	Waehner
Cleary	Houghton	Prince	Wenzel
Coffey	Hussey	Ransom	West
Cole	Husted	Reilly	Willis
Cooke	Ives	Roscoe	Worth
Costigan	W. Johnson	Russell	Wurts
Daggett	W. A. Johnson	Sanford	Yost
Daly			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the justices of the peace in the towns of Gates, Greece and Irondequoit, in Monroe county, who reside in that part of said towns added to the city of Rochester by chapter 482 of the Session Laws of 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Scudder
Badger	Edson	Law	Seward
Barkley	Ely	Lawrence	Sherman

Beach	Farrar	Lewis	Sherwood
Beardsley	Faulkner	Lillybridge	Silverman
Bennett	Fay	Lincoln	Slingerland
Berry	Friend	McGowan	Speaker
Bordwell	Gallagher	McGroarty	Stacy
Bowen	Gedney	Merwin	Stephens
Bradley	Griffin	J. W. Miller	Struble
Broas	Hammond	W. Miller	Talmage
Burtis	Hauschel	Muller	G. Taylor
Calkins	Hess	Page	Tewksbury
T. C. Campbell	Hinckley	Petty	Tremain
T. J. Campbell	Hogan	Pierson	Vedder
Clark	Houghton	Pope	Vosburgh
Coffey	Hussey	Prince	Waehner
Cole	Husted	Ransom	West
Comstock	Ives	Rich	Whitmore
Costigan	W. Johnson	Roscoe	Willis
Daggett	Keenan	Sanford	Worth
Daly	Kirk	Schenck	Wurts
Davis	Krack	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal section 10 of chapter 398 of the Laws of 1872, entitled 'An act to incorporate the Batavia Literary Association, and appropriating certain moneys thereto,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Barkley	Edson	Law	Shattuck
Barrow	Ely	Lawrence	Sherman
Beach	Farrar	Lewis	Sbiel
Beardsley	Faulkner	Lillybridge	Slingerland
Benedict	Friend	Mackin	Speaker
Berry	Gallagher	McGowan	Stauf
Bordwell	Gedney	McGroarty	Stephens
Bradley	Griffin	Merwin	Talmage
Braman	Hammond	J. W. Miller	G. Taylor
Brogan	Hanrahan	W. Miller	W. F. Taylor
Burtis	Hepburn	Muller	Tremain
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Hogan	Pierson	Waehner
Clark	Houghton	Prince	Wenzel
Cleary	Hussey	Ransom	West
Cole	Husted	Rich	Willis

Cooke	Ives	Roscoe	Witbeck
Costigan	W. Johnson.	Sanford	Wurts
Daly	W. A. Johnson	Schenck	Yost
Davis	Kirk	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the commissioners of highways of the town of Saratoga Springs to build a sidewalk along Union avenue in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Soudder
Barkley	Ely	Law	Shattuck
Barrow	Farrar	Lawrence	Sherman
Beardsley	Faulkner	Lillybridge	Shiel
Benedict	Fay	Lincoln	Silverman
Berry	Friend	Mackin	Smith
Bishop	Gallagher	McGowan	Speaker
Bowen	Green	McGroarty	Stauf
Bradley	Griffin	J. W. Miller	Stephens
Braman	Hammond	W. Miller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	Page	Tewksbury
T. C. Campbell	Hess	Petty	Vedder
T. J. Campbell	Hogan	Pierson	Vosburgh
Clark	Holmes	Prince	Wellington
Cleary	Hussey	Ransom	Wenzel
Cole	Husted	Rich	Whitmore
Comstock	Ives	Roscoe	Willis
Costigan	W. Johnson	Sanford	Witbeck
Daggett	Keenan	Schenck	Worth
Davis	Kirk	Schuyler	Yost
Decker	Krack		

For the negative,  
Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company, and Rockaway Railroad Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies,' passed May 31, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 38 }  
{ NOES 57 }

Those who voted in the affirmative, were

Alvord	T. J. Campbell	Gallagher	Reilly
Barkley	Clark	Hanrahan	Shiel
Barrow	Cleary	Hanschel	Smith
Beardsley	Cole	Hess	Stauf
Benedict	Comstock	Kennaday	Talmage
Bennett	Costigan	Kirk	Vosburgh
Berry	Daly	Kshinka	Wenzel
Bradley	Decker	Lewis	Whitmore
Broas	Dessar	McGowan	Willis
Brown	Farrar		

Those who voted in the negative, were

Badger	Green	Merwin	Schieffelin
Beach	Griffin	J. W. Miller	Schuyler
Bowen	Hepburn	Oakley	Scudder
Burtis	Hinckley	O'Keefe	Seward
Calkins	Hogan	Page	Shattuck
T. C. Campbell	Holmes	Peck	Sherman
Coffey	Hussey	Petty	Slingerland
Cooke	Ives	Pope	Stacy
Daggett	W. A. Johnson	Prince	W. F. Taylor
Edson	Keenan	Ransom	Tewksbury
Ely	Krack	Rich	Tremain
Faulkner	Law	Roscoe	Vedder
Fay	Lawrence	Sanford	Worth
Fish	Lincoln	Schenck	Yost
Gedney			

The bill entitled "An act to authorize the Board of Commissioners of Emigration to mortgage the lands of the State on Ward's Island, and to extinguish the liabilities against the said board," being announced for a third reading,

On motion of Mr. Husted, and by unanimous consent, said bill was amended as follows:

Strike out section 4, and change subsequent sections to correspond.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 72 }  
{ NOES 24 }

Those who voted in the affirmative, were

Alvord	Dessar	Keenan	Roscoe
Beach	Edson	Kennaday	Schenck

Beardsley	Ely	Kirk	Schuyler
Berry	Farrar	Krack	Seward
Bordwell	Faulkner	Kshinka	Shattuck
Bradley	Fish	Lewis	Sherman
Braman	Gallagher	Lincoln	Shiel
Burtis	Gedney	Mackin	Slingerland
Calkins	Green	McGowan	Stacy
T. C. Campbell	Griffin	McGroarty	Stauf
T. J. Campbell	Hanrahan	Merwin	Struble
Cleary	Hauschel	Muller	Talmage
Cole	Hess	Oakley	G. Taylor
Comstock	Hinckley	Page	W. F. Taylor
Cooke	Hogan	Petty	Vedder
Daggett	Holmes	Ransom	Waehner .
Daly	Hussey	Reilly	Willis
Decker	W. Johnson	Rich	Witbeck

Those who voted in the negative, were

Badger	Costigan	Peck	Smith
Benedict	Fay	Pope	Speaker
Bowen	Ives	Prince	Tewksbury
Brown	Law	Russell	Wenzel
Clark	Lawrence	Sanford	Whitmore
Coffey	Lillybridge	Schieffelin	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. McGowan, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor recalling Assembly bill No. 388, entitled "An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts," for the purpose of amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of, 1873, passed June 28, 1873," being announced for a third reading,

Mr. Burtis moved to recommit said bill to the committee on affairs of cities, with instructions to amend as follows:

Strike out section 3 and insert in lieu thereof the following:

"§ 3. This act shall take effect when approved by the mayor and common council of said city."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Burtis moved to strike out the enacting clause.

Debate was had thereon, when

Mr. Burtis withdrew his motion, and moved that for the present said bill lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Coffey	Ives	Ransom
Badger	Cole	W. A. Johnson	Rich
Barkley	Comstock	Keenan	Roscoe
Barrow	Costigan	Kennaday	Russell
Beach	Daggett	Kirk	Schenck
Beardsley	Daly	Krack	Schuyler
Benedict	Decker	Lawrence	Shiel
Bennett	Dessar	Lewis	Smith
Berry	Edson	Lillybridge	Stauf
Bordwell	Ely	Lincoln	Stephens
Bowen	Farrar	McGroarty	Struble
Bradley	Faulkner	Merwin	Talmage
Braman	Fay	J. W. Miller	G. Taylor
Brown	Fish	Muller	Tremain
Burtis	Friend	Oakley	Waehner
Calkins	Gedney	O'Keefe	Wenzel
T. C. Campbell	Griffin	Page	Witbeck
T. J. Campbell	Hanrahan	Petty	Worth
Clark	Hepburn	Pierson	Wurts
Cleary	Holmes	Prince	

For the negative,

Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to a public square in the village of Manchester, Ontario county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Scudder
Badger	Dessar	Kshinka	Shattuck
Barkley	Edson	Law	Sherman
Beach	Ely	Lawrence	Shiel
Beardsley	Farrar	Lillybridge	Slingerland
Benedict	Faulkner	Lincoln	Smith
Bennett	Fish	Mackin	Speaker
Berry	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Struble
Bradley	Green	Merwin	Talmage

Braman	Griffin	J. W. Miller	W. F. Taylor
Brown	Hanrahan	Oakley	Tewksbury
Burtis	Hepburn	O'Keefe	Tremain
Calkins	Hess	Peck	Vedder
T. C. Campbell	Hinckley	Pierson	Waehner
T. J. Campbell	Holmes	Pope	Wenzel
Clark	Houghton	Ransom	West
Coffey	Husted	Reilly	Willis
Cole	Ives	Russell	Worth
Cooke	W. Johnson	Sanford	Wurts
Costigan	Keenan	Schenck	Yost
Daly	Kirk	Schuyler	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 367 of the Laws of 1873, entitled 'An act amending an act entitled An act to establish free schools in district No. 3 of the town of Flushing,' passed April 16, 1857, enlarging said district and authorizing a greater school tax therein," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative; a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Seward
Badger	Ely	Lawrence	Sherman
Barkley	Farrar	Lewis	Sherwood
Beach	Faulkner	Lillybridge	Silverman
Beardsley	Friend	Lincoln	Smith
Bennett	Gallagher	McAfee	Speaker
Berry	Griffin	McGowan	Stauf
Bordwell	Hammond	McGroarty	Stephens
Bradley	Hanrahan	J. W. Miller	Talmage
Braman	Hauschel	W. Miller	G. Taylor
Brogan	Hepburn	Muller	W. F. Taylor
Burtis	Hess	Oakley	Tremain
Calkins	Hinckley	Peck	Vedder
T. C. Campbell	Hogan	Petty	Wachner
T. J. Campbell	Holmes	Pope	Wellington
Clark	Houghton	Prince	Wenzel
Coffey	Ives	Ransom	West
Cole	W. Johnson	Roscoe	Willis
Cooke	Keenan	Russell	Witbeck
Costigan	Kennaday	Schenck	Worth
Daggett	Kirk	Schieffelin	Wurts
Davis	Krack	Scudder	Yost
Decker			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to alter the commissioners' map of the city of Brooklyn, and closing a part of Bushwick avenue court yard," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Badger	Dessar	Lawrence	Sherman
Barkley	Edson	Lewis	Sherwood
Beach	Ely	Lillybridge	Silverman
Beardsley	Faulkner	Mackin	Smith
Bennett	Fish	McAfee	Speaker
Berry	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Struble
Bowen	Green	J. W. Miller	Talmage
Braman	Griffin	Muller	G. Taylor
Broas	Hammond	Oakley	Tewksbury
Brown	Hanrahan	Page	Tremain
Burtis	Hess	Peck	Vosburgh
Calkins	Hinckley	Pierson	Waehner
T. C. Campbell	Holmes	Pope	Wenzel
T. J. Campbell	Hussey	Ransom	Whitmore
Clark	Husted	Reilly	Willis
Coffey	Ives	Roscoe	Witbeck
Cole	W. Johnson	Sanford	Worth
Cooke	Keenan	Schenck	Wurts
Daggett	Kennaday	Schuyler	Yost
Daly	Krack	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend section 238 of the Code of Procedure," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Shattuck
Badger	Decker	Kshinka	Sherwood
Barkley	Edson	Law	Shiel
Barrow	Ely	Lawrence	Silverman
Beardsley	Farrar	Lillybridge	Smith
Benedict	Faulkner	Mackin	Stacy
Bennett	Friend	McGowan	Stauf

Bishop	Gallagher	McGroarty	Struble
Bowen	Green	Merwin	Talmage
Bradley	Griffin	J. W. Miller	W. F. Taylor
Braman	Hammond	Oakley	Tremain
Brogan	Hauschel	O'Keefe	Vedder
Brown	Hess	Peck	Vosburgh
Burtis	Hinckley	Petty	Wellington
Calkins	Hogan	Pierson	West
T. C. Campbell	Holmes	Prince	Whitmore
T. J. Campbell	Hussey	Reilly	Willis
Clark	Husted	Roscoe	Witbeck
Coffey	W. Johnson	Sanford	Worth
Comstock	W. A. Johnson	Schieffelin	Wurts
Cooke	Kennaday	Scudder	Yost
Daggett	Kirk	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act authorizing the city of Buffalo to take certain lands for a public park, and to provide for the payment thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were,

Alvord	Decker	Kshinka	Seward
Badger	Edson	Law	Shattuck
Barkley	Ely	Lawrence	Sherwood
Beach	Faulkner	Lillybridge	Shiel
Beardsley	Fay	Mackin	Silverman
Bennett	Friend	McAfee	Smith
Berry	Gallagher	McGowan	Stacy
Bordwell	Gedney	McGroarty	Stephens
Bowen	Griffin	J. W. Miller	Struble
Braman	Hammond	W. Miller	Talmage
Brogan	Hanrahan	Oakley	W. F. Taylor
Brown	Hepburn	O'Keefe	Tremain
Burtis	Hinckley	Peck	Vosburgh
Calkins	Hogan	Petty	Waehner
T. C. Campbell	Holmes	Pope	Wellington
T. J. Campbell	Hussey	Prince	West
Clark	Husted	Ransom	Whitmore
Cleary	Ives	Roscoe	Willis
Cole	W. Johnson	Russell	Witbeck
Comstock	W. A. Johnson	Schenck	Worth
Costigan	Kirk	Schieffelin	Wurts
Daggett	Krack	Scudder	Yost
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to revise and consolidate the several acts relative to public schools in the city of Auburn," being announced for a third reading,

On motion of Mr. Beardsley, and by unanimous consent, said bill was amended as follows:

Section 5, line 4, after the word "therein" insert the words "except as to previous registry of voters."

At the end of section 11 insert the following: "In case of vacancy in the office of president by death, resignation or otherwise, the board shall elect a president for the unexpired term."

At the end of section 25 insert the following: "The board of managers of said asylum, with the concurrence of the said board of education, may at any time discontinue such school, in which case the pupils therein shall be entitled to all the privileges of any other of the public schools of said city."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Shiel
Badger	Ely	Lillybridge	Silverman
Barkley	Farrar	Lincoln	Smith
Barrow	Faulkner	Mackin	Speaker
Beardsley	Friend	McGowan	Stacy
Benedict	Gallagher	McGroarty	Stauf
Berry	Green	J. W. Miller	Struble
Bordwell	Griffin	Muller	Talmage
Bradley	Hanrahan	Oakley	G. Taylor
Braman	Hauschel	Page	Tewksbury
Brogan	Hess	Petty	Tremain
Burtis	Hinckley	Pierson	Vedder
Calkins	Houghton	Prince	Vosburgh
T. C. Campbell	Husted	Ransom	Waehner
T. J. Campbell	Ives	Rich	Wenzel
Clark	W. Johnson	Russell	West
Coffey	Keenan	Sanford	Whitmore
Cole	Kennaday	Schieffelin	Willis
Cooke	Kirk	Scudder	Witbeck
Costigan	Krack	Seward	Wurts
Daly	Kshinka	Sherman	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. T. C. Campbell, and by unanimous consent, the committee on affairs of cities was discharged from the further considera-

tion of the Senate bill entitled "An act to amend an act entitled 'An act to provide for the support of the poor in the counties of Erie, Kings and New York,' passed April 30, 1875," and the same read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Seward
Barkley	Ely	Law	Shattuck
Beach	Farrar	Lawrence	Sherwood
Beardsley	Faulkner	Lewis	Shiel
Benedict	Fay	Lillybridge	Smith
Bennett	Fish	Lincoln	Speaker
Berry	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Stephens
Bradley	Green	J. W. Miller	Talmage
Brown	Hammond	W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	Tewksbury
Calkins	Hauschel	O'Keefe	Tremain
T. C. Campbell	Hess	Peck	Vedder
T. J. Campbell	Hinckley	Petty	Vosburgh
Clark	Hogan	Pierson	Waehner
Cleary	Houghton	Prince	Wenzel
Cole	Husted	Ransom	West
Comstock	Ives	Rich	Whitmore
Cooke	W. Johnson	Roscoe	Witbeck
Costigan	Keenan	Sanford	Worth
Daly	Kennaday	Schenck	Wurts
Decker	Kirk	Schuyler	Yost
Dessar	Krack		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the better regulation of railroad companies, and the election of the officers of the same," being announced for a third reading,

Mr. Alvord moved to refer said bill to the committee on railroads, retaining its place on the calendar of third reading of bills.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," being announced for a third reading,

Mr. Lincoln moved to recommit said bill to the committee on internal affairs, for the purpose of amendment.

Debate was had thereon, when,

Mr. Waehner moved to amend said motion by recommitting said bill to the committee on internal affairs, with instructions to strike out sec-

tion 24, and change number of subsequent sections to correspond. Also, amend section 15 as follows:

Line 5, after the word "dollars" insert the words "and for the second or any subsequent offense shall be guilty of a misdemeanor, and on conviction shall pay a fine of one hundred dollars, or be imprisoned in a county jail or penitentiary for so doing."

Section 19, line 1, after the word "shall" insert the word "publicly." Line 2, after the word "distilled" insert the words "or malt liquors."

Debate again ensued, when

Mr. Lincoln moved to further amend by adding at the end of section 26 the words "except in incorporated villages having special excise acts."

Debate was had thereon, when

Mr. Husted moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Lincoln, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

{ AYES 57 }  
{ NOES 52 }

Those who voted in the affirmative, were

Beach	Gallagher	McGowan	Sherman
Beardsley	Hammond	McGroarty	Shiel
Bennett	Hanrahan	J. W. Miller	Smith
Bradley	Hauschel	Muller	Speaker
Braman	Hess	Oakley	Stauf
Brown	Ives	O'Keefe	Stephens
T. C. Campbell	W. Johnson	Page	Talmage
T. J. Campbell	Keenan	Pierson	G. Taylor
Coffey	Kirk	Ransom	Vosburgh
Cole	Krack	Reilly	Waehner
Costigan	Kshinka	Rich	Wenzel
Daly	Lawrence	Schenck	Witbeck
Dessar	Lewis	Schieffelin	Worth
Edson	Mackin	Schuyler	Wurts
Faulkner			

Those who voted in the negative, were

Alvord	Fay	Law	Seward
Badger	Friend	Lillybridge	Sherwood
Barrow	Gedney	Lincoln	Slingerland
Berry	Green	Merwin	Stacy
Bowen	Griffin	W. Miller	Struble
Burtis	Hepburn	Peck	W. F. Taylor
Calkins	Hinckley	Petty	Tewksbury
Clark	Hogan	Pope	Tremain
Comstock	Holmes	Prince	Vedder
Cooke	Houghton	Roscoe	West
Decker	Hussey	Russell	Whitmore
Ely	Husted	Sanford	Willis
Farrar	W. A. Johnson	Scudder	Yost



Mr. Speaker then put the question whether the House would agree to said motion of Mr. Lincoln, as amended, and it was determined in the affirmative.

Mr. W. Johnson, from the committee on internal affairs, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 46 }  
{ NOES 58 }

Those who voted in the affirmative, were

Beach	Edson	Muller	Smith
Beardsley	Faulkner	Oakley	Speaker
Bennett	Gallagher	O'Keefe	Stanf
Bradley	Hanrahan	Page	Stephens
Brown	Hauschel	Pierson	Talmage
T. C. Campbell	Hess	Ransom	G. Taylor
T. J. Campbell	Ives	Reilly	Vosburgh
Coffey	Keenan	Rich	Wenzel
Cole	Kirk	Schenck	Witbeck
Costigan	Kshinka	Schieffelin	Worth
Daly	McGowan	Shiel	Wurts
Dessar	McGroarty		

Those who voted in the negative, were

Alvord	Friend	Mackin	Sherman
Badger	Gedney	Merwin	Sherwood
Barrow	Green	J. W. Miller	Slingerland
Benedict	Griffin	W. Miller	Stacy
Berry	Hepburn	Peck	Struble
Bowen	Hinckley	Petty	W. F. Taylor
Burtis	Hogan	Pope	Tewksbury
Calkins	Holmes	Prince	Tremain
Clark	Hussey	Roscoe	Vedder
Comstock	Husted	Russell	Waehner
Cooke	W. Johnson	Sanford	West
Decker	W. A. Johnson	Schuyler	Whitmore
Ely	Law	Scudder	Willis
Farrar	Lillybridge	Seward	Yost
Fay	Lincoln		

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

## HALF-PAST SEVEN O'CLOCK.

The House again met.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof."

"An act to enable the city of New York to finally settle and pay that part of the bonded debt of the late town of Yonkers apportioned to the late town of Kingsbridge."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the resolution recalling from the Governor for amendment the bill entitled "An act to amend an act to incorporate the village of Gouverneur, in the county of St. Lawrence, and repeal its charter, passed April 29, 1868."

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the bill entitled "An act making appropriations for certain expenses of government," with a message informing of concurrence in the passage of the same, with the following amendments:

Page 2, at the end of line 12, engrossed bill, add the following:

"For fire and burglar proof safe, one thousand dollars; for the support and maintenance of the prison for the residue of the current fiscal year, including the expense of manufacturing iron, twelve thousand dollars, from which appropriation the Inspectors, with the approval of the Comptroller, are authorized to make the necessary improvements in rebuilding forge-fires."

Same page, line 26, strike out all after the word "dollars" down to and including the word "dollars" in line 28.

Page 3, insert after line 2, the following new paragraphs:

"For the completion of the State armory at Auburn, ten thousand dollars, and the Commissioners of the Land Office shall sell the old armory and lot in the city of Auburn, and the funds received therefor shall be paid into the general fund."

"For the completion of the State armory at Syracuse, including the battery building attached thereto, the balcony floors and ceiling in the drill-rooms, the floor in the battery building, necessary fixtures, furniture lighting and heating apparatus complete, and for grading and sewerage, the sum of thirty thousand dollars."

Same page, line 13, strike out the words "five hundred," and insert in lieu thereof the words "one thousand."

Add at the end of said line 13, the following: "And out of the sum hereby appropriated to the library of the sixth district, may be purchased the reports of the decisions of the courts of the States of Massachusetts and New York."

Some page, line 32, strike out the words "six hundred," and insert in lieu thereof the words "one thousand."

Page 4, line 7, after the word "fuel," insert the words "and the purchase of four fire extinguishers."

Same page, line 8, after the word "thousand," insert the words "two hundred and fifty."

Add, after line 13, page 4, the following:

"For the expenses of James G. Thompson and William Youmans, Jr., in the trial of the contested election for Senator in the Twenty-third Senatorial district at the election in November, eighteen hundred and seventy-three (which said expense shall be audited and paid by the Comptroller), the sum of thirteen thousand dollars, or so much thereof as shall be necessary.

"For the expenses of Hugh H. Moore in the trial of the contested election for Senator in the Eighth Senatorial district, two thousand dollars, or so much thereof as shall be necessary, to be audited and paid by the Comptroller.

Page 5, line 3, strike out the words "two hundred and fifty dollars," and insert in lieu thereof the words "five hundred dollars."

Same page, strike out from and including line 4 down to and including line 15.

Same page, strike out lines 18, 19 and 20.

Same page, line 23, insert after the word "the" first occurring the words "late Lieutenant-Governor and."

Line 24, strike out the word "his" and insert the word "their."

Line 26, strike out the word "two" and insert the word "three."

Page 5, strike out lines 28 to 35, inclusive.

Page 6, strike out lines 1 to 6, inclusive.

Page 6, line 11, after the word "the" insert the words "Senate and Assembly."

Line 12, after the word "adjoining" insert the words "while in use by."

Strike out the word "chambers" and insert the words "during the present session of the Legislature."

Line 14, after the word "them," strike out down to and including the word "capitol" in line 18.

Page 6, after line 18, insert as follows:

"The accounts of counsel and stenographers employed on the part of the State by the committees of investigation of the Senate and Assembly during the present session of the Legislature, and employed by the committees on privileges and elections and of finance of the Senate during the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, and of counsel employed by the new capitol commissioners and by the managers of the Hudson River State Hospital on the investigation of their affairs by the finance committee of the Senate, and of the stenographers of the present Senate and Assembly, to reimburse them for amounts actually paid out by them, for assistance in writing out debates therein for the use of members thereof, and the postmasters of the Senate and Assembly for services after the close of the sessions of eighteen hundred and seventy-four and eighteen hundred and seventy-five, pursuant to resolutions of the Senate and Assembly, of the clerk of the committee on privileges and elections, and of the sergeant-at-arms of the Senate, while attending upon the committees on privileges and elections, and of finance of the Senate during the recess of the Legislature, in the year eighteen hundred and seventy-four, and subpoenaing witnesses before the same, and the accounts of the committees of investigation appointed by the present Legislature, or either branch thereof, for their expenses and the compensation and

expenses of their employees and the accounts for the rent of rooms, gas, fuel, care and furniture for Senate and Assembly committees, except as herein otherwise provided, for the session of the Legislature of eighteen hundred and seventy-five, and for the services of Charles C. Nichols, as an expert in making measurements of quantities of material in the new capitol, for the use of the Senate investigating committee, and bills of printing for said committees, and for printing the constitutional amendment ballots used for the voters of the State at the election in November, eighteen hundred and seventy-four, and for printing and binding the Senate resolutions and proceedings on the life and services of the Hon. John Ganson, deceased, shall be audited by the Comptroller and paid by him out of any funds appropriated for the payment of legislative expenses."

Page 6, line 30, after the word "house" insert "for Syracuse a group of wells, one thousand dollars."

Page 7, strike out lines 5 to 11, both inclusive.

Same page, line 16, strike out the word "ten" and insert the word "fifteen."

Same page, strike out lines 23, 24, 25 and 26.

Page 7, line 29, strike out the words "six thousand," and insert in lieu thereof the words "twelve thousand five hundred."

Page 8, lines 22 and 23, strike out the words "six thousand two hundred," and insert in lieu thereof the words "thirty thousand."

Same page, line 39, after the word "dollars" insert the words "or so much thereof as shall be necessary; and the messenger of said committee, two hundred dollars, or so much thereof as shall be necessary; and to the clerk of the Senate, for preparing and distributing index to General Laws of the State, from eighteen hundred and fifty-seven to eighteen hundred and sixty-five, inclusive, and causing the same to be printed, under a resolution of the Senate, adopted January twenty-sixth, eighteen hundred and seventy-five, five hundred dollars."

Same page, lines 30 and 31, strike out the words "certified to by the chairman of the committee and."

Page 9, after line 6, insert the following:

"For supplying the town of Ticonderoga with the Revised Statutes, Edmond's edition, to replace those destroyed by fire, fifty dollars, or so much thereof as may be necessary."

Page 9, line 9, strike out the word "four" and insert the word "three."

Line 18, strike out the words "or enlarging accommodations," and insert the words "for alteration and repairs, and additional furniture and fixtures for heating apparatus."

Line nineteen, strike out the word "ten" and insert the word "fifteen."

After line 20, insert the following:

"For the State Normal School, Buffalo, for repair upon the building and premises, and for payment of the local assessments by the city of Buffalo, for improvements, chargeable upon the property, five thousand dollars, or so much thereof as shall be necessary."

"For the payment of the services of Abraham Lansing as State Treasurer, during the illness and suspension of Thomas Raines, State Treasurer, from June first to September fifteenth, eighteen hundred and seventy-four, eight hundred and seventy-five dollars, or so much

thereof as shall be found due him on the audit and certificate of the Governor."

Page 10, line 9, after the word "lowest" insert the words "bona fide responsible," and after the word "bidder" insert the words "whose bid shall be balanced."

Add at the end of line 10, the following: "Cast-iron conduits may be substituted in said raceway in place of the walling and covering with stone, in case the said commission shall find the same can be done as cheaply and that it will be for the interest of the State so to do. No part of the work shall be contracted for, nor money expended thereon until the State Engineer shall certify that the same is necessary, and in his opinion can be completed for the amount hereby appropriated."

Add at end of page 10, the following:

"For the Attorney-General for the payment of the expenses of Fulton Paul, a witness from South America, attending on the part of the State, at the request of the Governor, at the trial of Charles H. Phelps, the sum of three hundred and twenty-five dollars, or so much thereof as may be necessary; said expenses to be audited by the Attorney-General, and paid by the Comptroller on his certificate of audit.

"For the Commissioners of the Land Office, to enable them to refund, with interest, to Cheeney Ames, the purchase-money paid by him to the State, on the sale to him of certain lands, which sale was subsequently revoked, one thousand six hundred and sixty dollars, or so much thereof as shall be necessary.

"For refunding to the city of Auburn the amount of the assessment for paving in front of the State armory, thirteen hundred and thirty-six dollars and seven cents; and for building a sewer in front of the State prison at Auburn, and walks in front of the State armory in said city, eleven hundred and nine dollars and sixty-six cents, to be paid on the draft of the mayor of said city.

"For the increase of the zoological and paleontological collections of the State Museum of Natural History, seven hundred and thirty dollars, to be paid under the direction of the Regents of the University.

"For the increase of the law library of the second judicial district and of the law library at Kingston, in the third judicial district, twenty-five hundred dollars each.

"For the special increase of the law library of the eighth judicial district, the sum of twenty-five hundred dollars.

"For F. B. Carpenter, to procure a suitable frame for his full length portrait of Abraham Lincoln, two hundred dollars, or so much thereof as shall be necessary, to be paid whenever such portrait shall be accepted by the Lieutenant-Governor and the Speaker of the Assembly.

"For the Governor of the State, for the purpose of procuring a painting on panel-wood or metal of the arms or heraldic device of the State of New York, to be placed at the disposal of the committee on restoration of Independence Hall, Philadelphia, three hundred dollars, or so much thereof as may be necessary.

"For the State prison at Sing Sing, to replace carpenter shop and machinery, tools, staves, heading and hoops, lime-shed and lime-store house and lime-kiln shed destroyed by fire, twelve thousand dollars, or so much thereof as shall be necessary.

"For the Adjutant-General, to replace certain property destroyed by fire in the armory at Syracuse on the twenty-fourth of June, eighteen

hundred and seventy-three, according to schedule in the hands of the Adjutant-General, the items of which are to be audited by him, the sum of one thousand one hundred and seventy-eight dollars and seventy-eight cents, or so much thereof as may be necessary.

“For the delegation of the Oneida Indians, to pay their expenses while attending the present session of the Legislature to present their claims against the State, the sum of five hundred dollars, to be paid to Jacob Cornelius, Cornelius Hill, Daniel Scannado and Jacob L. W. Doxtater; said amount to be audited by the Comptroller.

“For the trustees of Washington’s head-quarters, in pursuance of the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-five, one thousand dollars.

“For repairing a road on the Onondaga Indian reservation and the bridges and sluices thereof, which road is known as ‘the stone ledge road,’ the sum of five hundred dollars, to be expended under the supervision of Chester Baker, Philander Hoyt and Orrin Thomas, who are hereby appointed commissioners for that purpose, who shall receive no compensation for their services. But no part of the sum hereby appropriated shall be paid over to said commissioners, until they shall have executed a bond to the people of the State of New York, to be approved by the Comptroller, conditioned that they will faithfully discharge their duties as such commissioners, and truly account under oath to the Comptroller for all moneys received by them for the purposes aforesaid.

“For the removal of intruders upon the lands of the St. Regis Indians, in Franklin county, two hundred dollars, or so much thereof as shall be necessary.

“For the Regents of the University, for deficiency in appropriation, for expenses, for postage, expressage, etc., five hundred dollars.

“For procuring one hundred photo-plate copies each, of not less than one hundred quarto pages of the drawings prepared for the natural history of the State, one thousand dollars, to be paid under the direction of the Comptroller of the State, or so much thereof as shall be necessary.

“For Verplanck Colvin for expenses of Adirondack survey, for the assistants and draftsmen employed in the preparation of the map of the wilderness, and for contingent expenses of office and field work, eighteen hundred dollars.

“For inspector-in-chief of steam boilers for salary for fiscal year ending October first, eighteen hundred and seventy-five expenses of the office, including pay of assistant, clerk hire, traveling, stationery, printing, apparatus and repairs to the same; to be paid upon bills presented to the Comptroller, properly verified, the sum of eight thousand dollars, or so much thereof as may be necessary; and the office of inspector-in-chief of steam boilers is hereby abolished.

“The Comptroller is hereby authorized to refund to the county of Albany certain expenses of general terms of the supreme court, held in the city of Albany, to the extent provided in section twelve, chapter four hundred and eight, Laws of eighteen hundred and seventy, upon the production of duly receipted and verified vouchers.

“For the commissioners appointed under resolution of the Legislature, adopted April twenty-ninth, eighteen hundred and seventy-four, relative to the dam on Owasco creek, in the city of Auburn, for services and expenses to be audited by the Comptroller, the sum of seven hundred and two dollars and forty cents, or so much thereof as shall be necessary, and for the expenses of D.M. Green, engineer employed by



said commissioners, to be audited by the Comptroller, ninety-seven dollars and twenty cents, or so much thereof as shall be necessary.

"The corporation formed under and pursuant to the authority of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for the purpose of constructing warehouses, docks and wharves for quarantine purposes in the bay of New York, the plans for which and the location of said warehouses, docks and wharves having been recently made and determined by the Governor, State Engineer and Surveyor, and health officer of the port of New York, under and pursuant to chapter seven hundred and sixty of the Laws of eighteen hundred and seventy-three, shall not be deemed dissolved if it shall commence its operation within two years from the passage of this act.

"For the county of Westchester, the sum of fifteen thousand three hundred and forty-four dollars and seventy-five cents, that being the amount claimed to be due said county, pursuant to chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-eight, chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine, chapter seven hundred and four of the laws of eighteen hundred and seventy, and chapter eight hundred and sixty-nine of the laws of eighteen hundred and seventy-one, but which it is claimed has not been drawn, which sum is hereby re-appropriated, and shall be allowed to said county in liquidation and payment of so much of the indebtedness of said county to the State, if, upon investigation, the Comptroller shall ascertain that the same is due said county, and unpaid.

"For the payment of the award to David M. Osborne, John H. Osborne and Orrin H. Burdick, for damages caused by the back flow of the waters of the Owasco river upon the wheels of their mower and reaper manufactory, from the effects of the State dam at the Auburn prison, as awarded to them by the commissioners appointed by the Governor, as authorized by the 'concurrent resolution relative to the dam on the Owasco river in the city of Auburn,' passed by the Senate on the twenty-first day of April, eighteen hundred and seventy-four, and concurred in by the Assembly on the twenty-ninth day of April, eighteen hundred and seventy-four, the sum of one thousand dollars, with interest thereon from the sixteenth day of December, eighteen hundred and seventy-four.

"For the payment of the award to Edward C. Hall and Orlando Lewis, for damages caused by the back flow of the waters of the Owasco river upon the wheels of their grain mill, from the effects of the State dam at the Auburn prison, as awarded to them by the commissioners appointed by the Governor, as authorized by the 'concurrent resolution relative to the dam on the Owasco river, in the city of Auburn,' passed by the Senate on the twenty-first day of April, eighteen hundred and seventy-four, and concurred in by the Assembly on the twenty-ninth day of April, eighteen hundred and seventy-four, the sum of three hundred dollars, with interest thereon from the sixteenth day of December, eighteen hundred and seventy-four.

"For the salaries and expenses of the commissioners to investigate the affairs of the canals and for the compensation of experts, agents and other assistants employed by them, thirty thousand dollars, or so much thereof as shall be necessary. All examinations of witnesses or parties by or before said commissioners, shall be open and public, whenever such witnesses shall request that such examination shall be publicly conducted. Whenever any person who has performed work or furnished



materials to the State upon any of its public works shall be examined as a witness in relation thereto he may, if he desires be attended by counsel. Whenever, in the opinion of the commission, it shall be necessary for the public good to examine the witnesses separately they may, on the examination of any witness, exclude all other witnesses subpoenaed on the same matter during such examination.

"For the salary of the inspector of public works, and his expenses for clerk hire, compensation of experts and for other incidental matters in the discharge of his duties, twenty thousand dollars, or so much thereof as shall be necessary."

Page 11, line 20, add at the end of line the following "and to renew the same and to make new contracts therefor, from time to time."

Page 12, insert after line 6 the following new paragraph:

"The Commissioners of the Land Office shall cause to be laid out into lots of suitable size, and shall sell in accordance with the provisions of statute regulating the sale of State lands by them, the real estate owned by the State in the town of Middletown, Richmond county, now occupied by the board of trustees of the Seamen's Fund and Retreat, excepting that portion thereof now occupied by the Mariner's Family Association, and shall pay over to the Comptroller of the State the funds derived therefrom, who shall henceforth be the trustee of said funds; and after paying therefrom the mortgage now upon said property, shall invest the residue thereof and hold the same as a sacred trust fund, and one-tenth of the income therefrom he shall pay over annually to the institution known as the Mariner's Family Industrial Society of the Port of New York, or the Mariner's Family Association for the support of the inmates of the asylum connected therewith, so long as the said society continues to fulfill the laws under which it was created. The residue of said income of said trust fund shall be by the Comptroller annually paid and applied to the support, care and maintenance of seamen now in the hospital connected with said Seamen's Retreat, and of all who may hereafter be entitled to be cared for under the laws establishing and regulating said institution. The trustees of the Seamen's Fund and Retreat are hereby superseded by the Health Officer of the port of New York, who shall, subject to the provisions of this act, possess all the powers, and be subject to all the duties of said trustees, and shall render to the Comptroller vouchers for all expenditures which shall be subject to the audit and approval of said Comptroller. The said Commissioners of the Land Office shall, with the approval of the Governor, designate the hospital or place to which the present inmates of the Seamen's Retreat Hospital shall be removed, and where all those who may be hereafter entitled to be cared for under the provisions of this act shall be received, and shall cause the present inmates of said Seamen's Retreat Hospital, and also all the personal property, goods and chattels connected therewith, to be removed thereto as soon as practicable after the passage of this act.

"For the Mariner's Family Industrial Society of the port of New York, for the repairs of building, twenty-five hundred dollars."

Page 12, line 26, strike out all after the word "dollars" down to and including the word "asylum" in line 26.

Page 13, line 12, strike out the words "are hereby" and insert the words "may be."

Same page, strike out line 34 down to and including line 16, on page 14, and insert the following:

“For the establishment of a female department of the Western House of Refuge for Juvenile Delinquents, as provided by chapter 228 of the Laws of 1875, the sum of seventy-five thousand dollars.”

“For the State Reformatory at Elmira, two hundred and seventy-five thousand dollars. The salary of the superintendent for the construction of the said reformatory shall be four thousand dollars per year. The percentages retained and due former contractors shall be paid by the Comptroller out of this appropriation.

“For the Hudson River State Hospital for the Insane, at Poughkeepsie, for finishing the new section, thirty thousand dollars; for extending the heating and gas apparatus of the new section, twelve thousand dollars; for enlarging the kitchen, three thousand dollars; for furniture, beds and bedding, making the section ready for reception of two hundred additional patients, five thousand dollars.”

“For the State Homœopathic Asylum for the Insane, at Middletown, for gas, plumbing, heating and ventilating apparatus for pavilion number one, including two new boilers, with connections and setting, the sum of twenty-five thousand five hundred dollars in addition to the amount now in the treasury, to the credit of said asylum, after payment of the debts of said asylum, as hereinafter provided; for furniture for pavilion number one, fifteen thousand dollars; for iron window sashes, seven thousand seven hundred dollars; for locks and hinges, one thousand six hundred dollars; for contractors on contract for pavilion number one, to be paid as the work progresses, thirty-nine thousand dollars; for corridor to join buildings, five thousand five hundred dollars; for architect's commission, for past services, up to the time of the passage of this act, two thousand five hundred dollars, or so much thereof as may be necessary to pay for the services of the architect up to the time of the passage of this act; the duties of an architect, for such asylum shall hereafter be performed by the superintendent thereof, to be appointed by the Governor, under and in pursuance of chapter of the Laws of eighteen hundred and seventy-five; for farm stock, tools, fencing and grading, three thousand five hundred dollars; for maintenance, ten thousand dollars; for officers' salaries, five thousand dollars; for legal expenses in Foote suit, fifteen hundred dollars; for railway switch and coal bins, two thousand dollars; for water supply, two thousand dollars; for laundry, engine and wash machines, three thousand dollars. The number of trustees of said asylum shall be hereafter fourteen, and Fletcher Harper, junior, Egbert Guernsey of New York; Grinnell Burt, of Warwick; Joshua Draper, Nathaniel W. Vail, Uzal T. Hayes, James B. Hulse, James H. Norton, Edward M. Madden, Moses D. Stivers, of Middletown; James G. Graham, of Newburgh; Daniel Thompson, of Thompson Ridge; H. M. Paine, of Albany; and William H. Watson, of Utica, shall be and are hereby constituted said board of trustees. At the first meeting of said trustees, they shall draw lots in order to divide themselves, as near as may be, into three equal classes; one class of five shall hold office for two years; one class of four shall hold office for four years; and one class of four shall hold office for six years; and whenever any vacancies shall exist in said board, by death, resignation, refusal to serve, removal, or by expiration of term, the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint proper persons to fill such vacancies, for the balance of an unexpired term; but when for a vacancy, occasioned by the expiration of a term, then for six years.”

Page 14, line 20, after the word "twenty-three" insert the words "and four hundred and fifty-two."

Line 19, change the word "chapter" to "chapters."

Page 14, after line 23 insert the following:

"For the Bank Department five thousand dollars, to pay the expenses of regular examinations of savings banks, the same to be refunded to the Treasurer by the savings banks, in pursuance of an act entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,' passed May                    eighteen hundred and seventy-five."

Line 31, after the word "employed" insert the words "or that may be used and employed.."

Same page, strike out from and including line 32, down to and including line 17, on page 15, and insert the following:

"The Superintendent of the New Capitol is hereby authorized and directed to audit or settle any outstanding obligations for rent, labor or materials done or furnished by order of the Board of New Capitol Commissioners, heretofore existing, subject to the concurrent approval in writing of the Commissioners of the New Capitol hereinafter named, and in such audit and settlement any claims, over payments or equitable offsets the State may have to any such obligations shall be deducted therefrom, and the amount allowed and approved by the commissioners, as aforesaid, shall be paid by the Comptroller out of this appropriation, with such interest as shall be allowed and approved by said commissioners aforesaid.

"The Board of New Capitol Commissioners, as heretofore constituted, is hereby abolished, and the powers and duties of said board are hereby devolved upon the Lieutenant-Governor, Comptroller and Attorney-General of the State, who shall hereafter constitute the new capitol commission.

"Before any portion exceeding fifty thousand dollars of the sum by this act appropriated for the construction of said new capitol shall be expended, full detail plans and specifications of the story of said building containing the legislative halls thereof shall be made and approved, in writing, by said Lieutenant-Governor, Comptroller and Attorney-General, and not more than one-half of the said appropriation shall be expended before full detailed plans and specifications of the whole of the remainder of said building shall be made and approved, in writing, by the said Lieutenant-Governor, Comptroller and Attorney-General, and when so approved they shall not be altered or departed from except by the concurrent written consent and approval of said Lieutenant-Governor, Comptroller and Attorney-General, which said consent and approval shall be indorsed upon a plan accompanied by specifications, which shall fully and distinctly state the extent of such alteration, and the manner and extent the expense of said building will be affected by such alteration.

"The furnishing of all the materials shall be by contract, or contracts; and the doing of all the work shall be by contract, or contracts, except such portions thereof as in the concurrent opinion of said commissioners the interests of the State require to be done by day's work.

"All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the superintendent in the

State paper once in each week for four weeks consecutively, immediately preceding the letting of said contract, the notice of letting to be signed by the superintendent, shall state the work to be let, the quality, quantity and kind of materials to be bid for, and the length of time which will be given for the completion of the work, or the delivery of materials, the amount of security required, the bonds to be furnished for the faithful performance of the contract. The proposals received shall be exhibited to the said Lieutenant-Governor, Comptroller and Attorney-General, together with the proposed contract, which on their concurrent written approval indorsed thereon shall be entered into on the part of the State by said superintendent.

"The said contracts shall each reserve the right to the said superintendent, with the concurrence of the said commissioners to declare the same forfeited whenever in the judgment of said superintendent and commissioners said contract is not being performed for the interest of the State."

Page 16, strike out lines 1, 2 and 3, and insert in lieu thereof the following:

"For the Buffalo State Asylum for the Insane, to be expended only for the completion of the buildings already commenced, and for improving the grounds of said asylum, two hundred thousand dollars.

"The following paragraph of chapter seven hundred and thirty-three of the laws of eighteen hundred and seventy-two, in relation to the Buffalo Asylum for the Insane, which reads: 'And the following-named persons are hereby appointed managers thereof, in addition to those heretofore appointed, Silas H. Fish, Joseph Churchyard, Robert G. Stewart, Orlando Allen, Philip Houck, Alonzo Tanner, and Merrit H. Brooks, whose respective terms of office shall be and continue for five years,' is hereby repealed.

Page 16, strike out lines 6 to 24, inclusive, and insert in lieu thereof the following paragraph:

"The Board of Commissioners of Quarantine are hereby authorized and required to select and procure a new burying ground as near to the West Bank hospital as practicable, and on the approval of such selection and of the price to be paid therefor by the Governor, may purchase the same, and transfer thereto the remains of all persons buried in the burying ground at Seguin's Point, but such site shall not be located within the limits of Kings, Queens or Suffolk counties; as soon as such selection and transfer shall be made, they shall certify that fact to the Commissioners of the Land Office, who are hereby authorized to cause an appraisal of the value of said burying ground at Seguin's Point to be made, and to sell and dispose of the same at public auction to the highest bidder, in the same manner as they are now authorized by law to sell other State lands."

Same page, after line 24, add the following:

"For the city of Binghamton, payable from the United States deposit fund, and to be applied as a portion of the common school fund apportioned to said city for the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, such sum as may be found due said city, but not exceeding the sum of sixteen hundred dollars."

Page 17, after line 6 insert the following:

"The Comptroller is hereby authorized to pay to Wheeler H. Bristol the amount, if any, that shall be audited by the Lieutenant-Governor and Attorney-General, pursuant to chapter of the Laws of 1875."

Strike out from and including line 6 down to and including line 17.

Strike out from and including line 26 down to and including line 1, page 18, and insert the following:

“PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

“For the redemption of that portion of the general fund State debt reimbursable July first, eighteen hundred and seventy-five, nine hundred thousand dollars; and to provide the coin for the redemption of the said State debt, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

“PAYABLE FROM THE COLLEGE LAND SCRIP FUND REVENUE.

“For the Cornell University, six thousand dollars.

“PAYABLE FROM THE CANAL FUND.

“For deficiency in the appropriation for clerk hire in the office of the Auditor of the Canal Department, the sum of fifteen hundred dollars.

“For the Auditor to make his salary equal to that of last year, the sum of seven hundred and fifty dollars.”

Page 18, line 16, strike out the word “and” and insert after the word “Comptroller” the words “and Attorney-General.” Same line, insert before the word “Governor” the word “Lieutenant.”

Line 31, insert after the word “the” the word “Lieutenant,” and strike out the word “and.”

Add at the end of line 32 the words “and Attorney-General.”

Amend the title by adding thereto the words “and supplying deficiencies in former appropriations.”

The amendments having been read,

Mr. Hammond moved that the House do not concur in the same, and that a committee of conference be appointed thereon and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Hammond, Vosburgh, W. Johnson, Alvord and Husted as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

Mr. Hanrahan, from the sub committee of the whole, presented a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 155.)

By unanimous consent, Mr. T. C. Campbell introduced a bill entitled “An act to fix the compensation of certain officers in the city and county of New York,” which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. T. C. Campbell, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 11, 1875. }

*To the Legislature:*

The Constitution (article 8, section 9), declares that:

“It shall be the duty of the Legislature to provide for the organiza-



tion of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations."

The Convention of 1846, having exhausted its sessions in the consideration of questions upon which it acted, and finding itself unable to deal adequately with the problem of municipal government, on the day before its adjournment, charged that duty upon the Legislature. Its primary object was to protect tax-payers in the municipalities against abuses on the part of local governing officials, in taxation for local administration, in assessments for local improvements, in the contraction of municipal debts, and in the loaning of municipal credit.

Those evils had already attracted attention, though they were at that time but in the beginning of the monstrous growth to which they have now attained. In the twenty-nine years which have elapsed, the increase of population in this State has been chiefly in the cities and incorporated villages, until, at the census of 1870, those organizations embraced more than two millions, and now about two millions and four hundred thousand of our people. The course of legislation, so far from obeying the injunction of the Constitution, has been mainly in the opposite direction.

Every annual statute book has been largely occupied with enactments favoring the growth of municipal expenditure, involving taxation, assessments, the contraction of debt, and the loaning of credit. The result, so far as the cities of the State are concerned, is shown by an abstract of reports from the twenty-four cities, which have been furnished to me by the local officials, and which I herewith transmit to your honorable body.

#### MUNICIPAL TAXATION.

The aggregate valuation of property in these cities, subject to taxation in 1874, was \$1,569,535,074.

The aggregate of city taxation was \$36,439,121.

The aggregate county and State taxation was \$13,990,487.

The aggregate of taxation was \$50,429,609.

The aggregate debt of these cities was \$175,657,267.

Computing the taxation and debt on the population of 1870, adding twenty per cent for subsequent growth, the city taxation was \$15.57, the county and State taxation \$5.98, and the aggregate was \$21.55 for each inhabitant. The city debt was for each inhabitant \$75.80.

It must be borne in mind that the proportion of the assessed valuation of real estate to its actual value is fixed in these reports according to a standard from which there is now a large reduction. The average of the assessment is 55.43 per cent of the true value.

If the recent fall in marketable values be estimated at one-third, the rate of the assessed valuation would be eighty per cent of the actual value.

It may be presumed that the values stated in these reports have reference to real property. No allowance is made for the undervaluation of personal property.

It is probable that, in many instances, the taxation imposed upon property in cities has been from one-quarter to one-third, and by the decline of rents is now one-third, and sometimes reaches one-half the income of real estate.

In 1853, when the population of the United States numbered twenty-

five millions, the whole cost of its government was under \$55,000,000. It will be seen that less than two millions and a half of inhabitants of the cities of New York pay nearly as much taxation as was imposed on twenty-five millions, about twenty years ago, for the cost of the army, navy, Indian treaties, and all other expenses of the general government.

As I remarked in my annual message : "In the decade beginning July 1, 1865, the people will have paid in taxes, computed in currency, seven thousand millions of dollars. Three-fifths were for the use of the Federal Government, and two-fifths for the State and municipal governments. It is doubtless true that some portions of the municipal expenditures were for objects not strictly governmental. But it cannot be questioned that much too large a portion of the whole net earnings of industry, and of the whole net income of society, is taken for the purpose of carrying on government in this country. The burden could more easily be borne when values were high, and were ascending. As they recede toward their former level, the taxes consume a larger quantity of the products which have to be sold in order to pay them. They weigh with a constantly increasing severity upon all business and upon all classes. They shrivel up more and more the earnings of labor. This condition of things ought to admonish us, in our respective spheres, to be as abstinent as possible in appropriations for public expenditures. If the cost of government in our country were reduced, as it ought to be, one-third, it would still be larger than a few years ago, taking account of the prices of the products, which, in order to pay that cost, we are compelled to convert into money."

#### CONSEQUENCES.

The burdens upon tax-payers in cities are exhibited in various ways: bills for relief by the temporary funding of floating debts; bills authorizing loans to carry on or complete permanent improvements; frequent appeals from tax-payers against the measures of local officials, so numerous that it is quite impossible to arbitrate intelligently between the contending parties, are among the incidents of the times.

The choice between the opposite evils which such cases present, is often difficult and the result unsatisfactory. Works by the localities, as by the State, which ought not to have been undertaken, or which are on a scale too expensive or extravagant, are advanced so near to completion that it is not expedient to refuse the means to finish them, or not proper to overrule the local officials without a more intelligent and assured personal judgment than is possible. It will not do to enforce the rule that loans for permanent improvements shall be accompanied by a sinking fund in many cases where there was no notice. But I have refused to sanction a bill diverting funds raised by permanent loan and not needed for its original purpose, to current expenses, and I have insisted that in funding floating debts, the loans should be but temporary, until the deficiency could be provided for by taxation.

It has been impracticable to at once inaugurate a better system. The whole subject requires a careful and thorough investigation, and the adoption of a fixed policy which shall be known to the people and to which they shall conform.

#### JUDICIAL REMEDIES.

It is but just to the present Legislature to say, that the three bills which it adopted with great unanimity, providing judicial remedies



against frauds, affecting the public moneys or property, are of more value for the repression of the evils of municipal government than all the legislation which has taken place during the twenty-nine years in which the mandate of the Constitution, in respect to municipal administration, has remained unexecuted.

It is true they reach abuses only when extravagance and improvidence degenerate into bad faith or fraud, but they apply to every official of every city, as well as to all State, county and town functionaries.

They apply to every case in which a city official shall, with intent to defraud, wrongfully obtain, receive, convert, pay out or dispose of any public moneys, funds, credits or property. They apply to every case in which such an official shall, with like intent, by willfully paying, allowing or auditing any false or unjust claim, or in any other manner or way whatever, aid or abet any other person in wrongfully obtaining, receiving, converting, paying out or disposing of any public money, funds, credits or property. They apply also to every person who, dealing with any official, shall, with intent to defraud, wrongfully obtain, receive, convert, pay out or dispose of any such money, funds, credits or property. They sweep away the complicated technicalities by which conviction for such offenses has hitherto been embarrassed or defeated.

One of these acts provides for every such offense penalties adequate to its enormity, in imprisonment in the State prison for not less than three nor more than ten years, and a fine not exceeding five times the amount of the loss resulting from the fraudulent act. Another provides for the arrest of the person and the attachment of the property of the wrong-doer.

The third of these acts provides for the contingency that the local governing officials shall be able to exercise influence over the officer whose duty it would be to order an action for redress of such a wrong, or whose duty it would be to conduct the suit; or, where a local influence might be exercised upon the judiciary; and enables the injured tax-payer to appeal to the State for relief, and gives a method of procedure both rapid and effective.

These laws, when they come to be generally known to the people, cannot fail to exercise a very salutary restraint upon all official persons. They afford a system of remedies hitherto unknown in our jurisprudence, which for their special purposes may well be deemed comprehensive, complete and effective.

#### ADDITIONAL MEASURES.

Additional measures of remedy and restraint can, no doubt, be devised in the legislation for local government. The tax-payers should be invested with powers of association and organization for the purpose of investigating the doings of their local officials and enforcing publicity, and for the purpose of instituting suits in the courts to restrain and redress public wrongs, without having recourse to the ultimate resort designed for great cases, in an action by the State. They might, also, be endowed with capacity to take and execute contracts for public work, under the supervision of, and on the plans fixed by, the municipal officers. There is no reason, for instance, why the persons taxable for the improvement of a street should not be allowed to associate, and by their own agents, execute the work for which they pay.

Even then a still broader field opens for measures of reform. To define the powers of the local governing officials in matters of expendi-

ture, taxation, assessment, and to create an effectual responsibility of those officials to the voters of the locality, to establish official accountability on their part, to adopt the machinery most favorable to good administration — these are the objects which concern 2,400,000 of our people more deeply, perhaps, than any other question of administration that invites the public attention.

#### DUTY OF THE STATE.

The duty of the State to establish constitutional provisions and to enact laws protecting, as far as practicable, the inhabitants of cities from abuses of maladministration committed by the local governing officials, and preserving the rights of individual citizens and of the minority as against the majority, is undeniable. That obligation results from the relations which exist between the State, in its collective capacity, and the local divisions of the State, and between the State and the local officers. In the theory of our civil polity, the sovereignty of the State, subject only to the grants it has made to the Union, resides in the aggregate people of the whole State. All powers vested in the cities and incorporated villages, and in the municipal officers, and all powers vested in county and town officers, are theoretically delegations from the people, made by the Constitution or by laws authorized by and enacted in pursuance of the Constitution. At the same time their utility for the purposes of local administration is so recognized by the sentiments of our people that it has come to be justly considered as an obligation to make them and a right to receive them.

The powers intrusted by the State to the local officials are administrative, special, and for local objects. In the most completely developed municipality, they embrace the care of police, health, schools, street-cleaning, prevention of fires, supplying water and gas, and similar matters most conveniently attended to in partnership by persons living together in a dense community, and the expenditure and taxation money for these objects. The rights of persons, property, and the judicial systems instituted for their preservation — general legislation — government in its proper sense; these are vast domains which the functions of municipal corporations and municipal officers do not touch.

#### PROGRESS OF LOCAL SELF-GOVERNMENT.

The first Constitution of this State, formed in 1777, provided for the appointment and removal of all local officers by a council composed of the Governor, and four Senators chosen every year by four subdivisions of the Assembly. The system continued until it involved the selection of fifteen thousand officers — civil and military — when our population was but one-third of its present magnitude. Every year assembled in Albany, from all parts of the State, candidates and their friends, for a general scramble. The strifes of parties were intensified by personal selfishness, and aggregated in a single center. The evils of the system contributed to the calling of a convention which formed the Constitution of 1821.

That instrument substituted election by the people of the localities or appointment by the local authorities, in respect to a large share of the local officers. The question of how to disperse the appointing power, and yet preserve accountability to the State, was very thoughtfully considered by the foremost statesmen. Its solution was found in a device

proposed by Daniel D. Tompkins, which was to separate the power of appointment from the power of removal. The case of the sheriff excited the most solicitude, and was elaborately discussed. It was disposed of by giving the election to the people of the county, but reserving to the State the power of removal, for cause, to be exercised by the Governor. The same method was applied to county clerks.

The Constitution of 1846 extended the system to district attorneys and coroners. It has been applied by constitutional provision or by statute to many other cases, and is now in operation as to the principal officers of the counties, probably embracing five hundred in number. A procedure has grown up in the nature of a summary trial.

The Convention of 1846 carried much farther its dispersion of the power of choosing local officers. It even allowed an election by districts of judges of the supreme court having general State jurisdiction, but it provided that they should be removable by impeachment, and also by the two Houses of the Legislature. County judges, surrogates, and all other judicial officers elected within the county, and all commissioned officers of the militia who are elective, were made removable by the Governor and Senate. Indeed, it is a characteristic peculiarity of the present Constitution to distinguish between the power of electing or appointing an officer, and the power of holding him to an account. In the words of my annual message: "It is while dispersing the one to the localities to reserve the other to the State, acting by its general representatives and as a unit; to retain in the collective State, a supervisory power of removal, in addition to whatever other accountability may result to the voters or authorities of the locality from the power to change the officer at the expiration of his term or from special provisions of law. The two ideas are not incompatible; on the contrary, each is the complement of the other. Such dispersion of the appointing power has become possible only because these devices have been invented to preserve accountability to the State."

Through all our constitutional history the tendency has been to enlarge the power of localities in the management of such local affairs as are usually intrusted to their administration.

This policy has been developed not merely by conferring the power of local election, or of appointment by local authority of the officers on whom the duties of local administration are conferred, but also by the gradual enlargement of those duties.

#### ITS PRINCIPLE.

The political philosophy which has inspired this policy, is founded on the theory that the individual is the best judge of whatever concerns himself exclusively. It aims to enlarge the domain of the individual conscience and judgment as much as practicable, and to limit and simplify the action of the government in the affairs of individuals. A deduction from this philosophy is, that, where individuals are associated in a city, or incorporated village, or even in those subdivisions of the State that are termed in the law *quasi* corporations, there are certain powers of administration, mainly concerning the individuals so associated, which may be safely intrusted to their management under a proper organism, and in which they will be the best judges of the measures most wise and most adapted to their actual condition. The development of this system belongs to the sphere of practical government, and is to be worked out progressively.

Of the general truth of the theory and of the wisdom of this system, I entertain no doubt ; and I have always endeavored to promote its wise application, and to try, by its principles, the measures which have been presented in its name.

#### ITS CONDITIONS.

The essential conditions of local self-government or home rule in respect to those powers of administration which are intrusted to the locality are :

I. That there be an organism under which the elective power of the people can act conveniently and effectively, and can exercise an actual control at one election over those who represent it in the local administration.

II. That, in voting upon the administration of local affairs, the popular attention and the popular will be freed, as far as possible, from disturbing elements, especially from complications with State and national politics.

The ancient system which exists in the country, and worked well in New York for a generation, by which municipal elections were held at a time intermediate of the annual State and national elections, has always commended itself to my judgment as of great utility and value.

III. That the popular will, as declared at the elections, should be protected, as far as possible, from the effects of undue concentration of power, patronage and the means of corrupt influence.

IV. That while the responsibility of public officers to the voting citizens be made effective, and they be made amenable to the tax-payers of the locality through the courts, accountability to the State be preserved through regular methods, so that the existence of such appeal of the minority and of individuals against the wrongs of governing officials will render unnecessary and inexcusable the frequent legislative interventions which have practically destroyed all self-government, created more local mischief than they have remedied, and have grown to be prolific of abuse and corruption in the legislative bodies.

So far from official accountability in regular forms being an abridgment of local self-government, it is the foundation on which this system can alone be built up. Arbitrary or irresponsible power finds no place in our popular system of government. The public officers are the trustees of the people. The majority are trustees for the whole, for the minority, and for each individual.

At the present time the Senate and Assembly, and the Governor, are largely occupied by attention to measures which are in the nature of appeals from the local administrative officials. Legislation is daily asked for, not merely for the purpose of enlarging or modifying the powers of those officials according to the local wants, but for overruling their judgment, correcting their errors, and redressing their wrongs. The granting or refusing of such legislation often involves questions of extreme difficulty, to investigate and decide the merits of which is quite beyond the power of the legislative bodies, or the Governor, especially in the multitude of topics that accumulate in the closing weeks of the session.

#### EXPERIENCE OF THE METROPOLIS.

The most instructive chapter on the subject of municipal government which is to be found in our civic history, is the experience of our great

metropolis which stands so conspicuous, not only in this State, but throughout the Union and before the world.

As great cities are rapidly growing up in other parts of the State, we may study that experience with advantage. Anterior to the Constitution of 1846, the practical governing population of this State was agricultural. Comparatively little attention had been paid to municipal government. In that instrument, while county and town systems received comparative protection, the charters of cities and incorporated villages were left almost absolutely within the control of the Legislature.

#### CHARTER OF 1830.

The city of New York had gone on under a simple, popular government which had many elements of great value. Substantially, the administration was conducted by the mayor and two boards of the common council, their committees, and the officers appointed by them. The elections were separate, in the spring of the year, and were annual. Popular opinion easily became effectual in controlling the policy of government. A political revolution was frequently produced by the charge of excessive expenditure on the part of the city government. The liability to change, the exposure to publicity made any elaborate and prolonged plans of plunder unsafe, if not impossible.

It is not meant that the deterioration that afterward ensued is to be ascribed wholly to the new methods of government adopted.

#### INJURIOUS CHANGES.

Doubtless important changes have occurred in the conditions under which the municipal government is carried on. Changes in the population — a loss of the habit of acting in city affairs, resulting from the inability to act with effect during twenty years in which the elective power of the people has been nugatory — decay of civic training forced exclusion and voluntary withdrawal from participation in local government for a generation — the absorption of the public attention in the controversies of national politics, leading to an almost total neglect of the questions of administration on which the competitions of politics formerly turned — the vast disproportion in the numerical strength of parties formed on sectional questions; these are causes which make the machinery of popular government work less favorably than before.

But it cannot be doubted that various changes, originating in a false theory of government and continuing through a series of years, by which the legislative power was very much weakened, and the spending officers became not only exempt from any regulation by the legislative bodies and practically irresponsible, but by means of their patronage acquired practical control in the government, and a complexity of system by which the elective power of the people became ineffectual — were steps in a downward progress.

#### INTERFERENCE WITH LOCAL GOVERNMENT.

The abuses and wrongs of the local administration which found no redress generated a public opinion under which appeals was made, in the name of reform, for relief to the legislative power at Albany; and it was found that an act could be easily contrived whereby one official could be expelled from office and, by some device, a substitute put in his place. It was found likewise that the powers of an office could be withdrawn



and vested in a different officer or in a commission, the selection of which could be dictated from the State capitol.

It is the experience of human government that abuses of power follow power wherever it goes. What was at first done, apparently at least, to protect the rights of the minority or of individuals; what was first done for the sake of good government, came in a little time to be done for the purposes of interested individuals or cliques. Differing in politics as city and State did, party selfishness and ambition grasped at patronage and power, and the great municipal trust came to be the traffic of the lobbies. Institutions wholly unfit to answer any use or object of government in a civilized community, and by virtue of their structure capable of nothing but abuses growing into crimes against the communities in which they existed, such as the board of supervisors, erected in 1857, came into existence under the motive power of the division of the spoils which they partitioned between their contrivers, combining equal numbers from both parties.

#### CHARTER OF 1870.

The consummation of this deceptive system was in the charter of 1870, which was enacted in the name and under the pretense of restoring local self-government. It was a long document, full of minute regulations, copied from preceding laws; but its vital force and real object resided in a few sentences. It totally stripped the elective councils of all legislative power, and covered up that design by several pages, in which it enumerated ordinances the councils had, from time immemorial, power to establish, but which had never been thought worthy of mention in any previous act of legislation.

It practically vested all legislative power in the mayor, comptroller, commissioner of public works and the commissioner of parks. It vacated the offices of the existing incumbents at the end of five days, and provided for the appointment of their successors by the then existing mayor who was one of the quartet. Every device to make these four officers totally irresponsible was carefully adopted. The existing law, which had stood for many years, by which the mayor, comptroller and street commissioner had been removable by the Governor, as in the case of sheriffs was repealed. A restoration of that power of removal, as regards the mayor, was demanded in the following year, and in 1873 was accorded, with the unanimous consent of both political parties.

This charter, which practically put in abeyance the elective power of the people of the city of New York for years, and set up an oligarchy of four persons, who, aided by a subsequent amendment, had all powers of expenditure and taxation — of legislation and administration over a million people, was enacted under the pretense of restoring local self-government. It was objected at the time that those officers so appointed were, to all practical intents and purposes, a commission, just as under the system which was to be abolished, that they were, in effect, as much appointed by the State Legislature as if their names had been inserted in the law; and that the elective power of the people was annulled, and rulers set over them without their consent.

How unanimously that charter passed — by what barter of the municipal trusts and corrupt use of municipal money — and how, within a month, the officers placed by a legislative act, without the intervention of a new election, in supreme dominion over a million of our people, divided up four millions of a pretended audit of six millions, are now

matters of history. These were the fruits, not of a popular election, not of local self-government, but of the culmination of a system under which the governing officials had been practically appointed by legislative acts of the State. The device of creating a special appointing power to do what was desired by a clique or party, or was agreed upon beforehand, was not perfectly new. It had been frequently used in a smaller way.

The contagion of such practices threaten to extend to other cities. If public opinion and the state of the Constitution and laws allow it, the temptation to transfer the contest for offices from the local elections to the legislative halls will arise as often as aspirants are defeated and can expect to recover there what they have lost at home. There is no remedy but in the refusal to give to such devices the sanction of law, until constitutional provision shall give permanency to the methods of appointment and removal in municipal governments.

### 1873.

The charter of 1873, while it contains many provisions that are valuable, still leaves to the heads of departments the power to create offices and fix their salaries, which no one has ever thought of conferring on the Governor or the Comptroller of the State, who are properly subject to the specific and minute regulations of law; and it leaves all the power of levying taxes, spending money, contracting debt, to a large extent, and all the powers of legislation, in the hands of the mayor, comptroller, commissioner of public works, and the president of the department of taxes.

In the hands of every one of the present incumbents, we have the satisfaction to believe that the interests of the people are perfectly secure; but we ought to consider what manner of institutions shall be formed for the long future with its varied changes of official persons—whether we will continue such vast powers, having no parallel in any government.

The charter of 1873 sought to shun the defect of the charter of 1870 in respect to removals. It restored the power of the removal of the mayor by the Governor. It provided for the removal of heads of departments by the mayor, subject to the written approval of the Governor, thus establishing an artificial check upon an artificial system; aiming to secure independence except in case of official misconduct on the part of the members of the body on which it conferred such extraordinary powers; and shrinking from converting an oligarchial into a despotic system.

At the present session, various propositions have been introduced, and others have been suggested, for changing the powers and patronage of the city government. None of them have come before me for official action. No comprehensive or well-considered system has been proposed. Hasty and partial changes by laws which, however plausible on their face, cannot be judged of except through an acquaintance with the whole mass of preceding legislation upon which they operate, and likely to produce results not foreseen by their authors, were not desirable.

In the better times of government and legislation in this State, when the traditions of popular rights were respected, the formation of a charter for a great city was a matter of deliberation. The people to be affected were fully consulted. Generally a convention of their representatives was held to consider the matter, full opportunity was given to dis-



cuss and perfect so important an instrument. The people were allowed to elect their chief officers with a knowledge beforehand of the substantial nature of the powers these officers would exercise. The idea of working a total revolution in the depositaries of governmental powers, by a legislative act, without the intervention of an election that should allow the people to say on whom new and vast powers should be conferred, would have been treated as a gross invasion of the rights of the people.

Even in restoring the legislative power to a legislative department of the city government, the new Legislature ought to be formed according to the best traditions and the best experience of American government; and the people ought to be allowed to choose it at a fresh election, and in contemplation of the new powers conferred which amount to a new creation.

I am not inclined to tamper by inconsiderate and fragmentary legislation with the government of the metropolis, or of the other great cities of the State, but I feel profoundly the necessity of attention to the structure, power and duties of those governments; and when we do constitute a new system, I am anxious that it should answer the just expectations of the people. There is no subject which to-day interests them more deeply; no subject more complicated or more difficult of solution; none which requires more thoughtful attention, more thorough discussion, to mature results with which we shall be satisfied in future years. There is no case in which it is more your duty and mine to say to those who seek changes: "You must found your claim to the advantages of political and official power upon the best promise of good government in the nature of the institutions you propose. You must accept official accountability as a condition of official trust."

I have set forth some of the evils which have followed the violation of sound principles of government in the city of New York, not only to show the wrongs to which the people of that municipality have been subjected, but also to illustrate the dangers which threaten other cities, unless we can fix sound principles in the minds of our people and make them operative in the legislative bodies or entrench them in the Constitution.

The people comprised in the cities of the State, exclusive of New York, are to-day more numerous than the inhabitants of the metropolis. They form a larger portion of the population of the State. This is exclusive of the incorporated villages.

If local self government or home rule is to be secured to them, and they are to be protected from the abuses which naturally happened earlier in New York, it must be done by the establishment of a general system, which shall be respected by the people and by their representatives. The Legislature is burdened by numerous applications for changes in local laws, the operation of which on the pre-existing mass of legislation cannot be easily ascertained. This obscurity is often a cover under which the objects of selfish individuals or cliques or partisan purposes are concealed. Every revolution of politics in the locality or in the State is followed by efforts to change the governing power or to effect a new disposal of offices and patronage in the locality. Such demoralizing efforts could not be readily effectual, if well-defined principles of government pervaded all municipal charters. Diversities will no doubt continue to be unavoidable, but the advantages of general laws over special legislation now recognized in our political theories and maxims, should be extended, as far as practicable, to our city govern-

ments. Whatever can be accomplished by legislation to correct the evils growing out of the discordant charters which now exist, and to infuse into them general principles that shall become a guide to future legislation, ought to be done. But the only effectual remedy is in amendment of the Constitution fixing the general plan of municipal government, especially in respect to the appointing power, and at the same time establishing, on a durable basis, official accountability.

With a view of calling public attention to this subject, and of laying the foundation of a plan of legislation and of constitutional amendment, I recommend the appointment of a commission who shall report to the next Legislature the forms of such laws or constitutional amendments as are required. If you do not think it advisable to constitute such a commission, the revisors of the statutes might be instructed to collate and report upon the condition of the laws relating to the cities in aid of future action by legislation or constitutional amendment.

SAMUEL J. TILDEN.

On motion of Mr. Sherman, said message was ordered printed and referred to the committee on affairs of cities, with leave to report at any time.

(See Doc. No. 159.)

The bill entitled "An act to amend chapter 836 of the Laws of 1872, entitled 'An act to regulate places of public amusement in the city of New York,'" being announced for a third reading,

Mr. Burtis moved to recommit said bill to the committee on affairs of cities, with instructions to strike out the enacting clause.

Debate was had thereon, when

Mr. Burtis withdrew his motion.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 19 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Slingerland
Beach	Dessar	Kirk	Smith
Beardsley	Edson	Krack	Speaker
Benedict	Ely	Kshinka	Stauf
Berry	Faulkner	Lawrence	Stephens
Bishop	Fish	Lewis	Struble
Braman	Friend	Lincoln	Talmage
Broas	Gedney	Mackin	G. Taylor
Brogan	Green	McGowan	Tewksbury
Brown	Griffin	McGroarty	Tremain
Calkins	Hanrahan	Muller	Vedder
T. C. Campbell	Hauschel	O'Keefe	Vosburgh
T. J. Campbell	Hepburn	Page	Waehner
Coffey	Hess	Pierson	Wellington
Cole	Hogan	Pope	Wenzel
Comstock	Houghton	Roscoe	West

Cooke  
Costigan  
Daggett

Ives  
W. Johnson  
Keenan

Shattuck  
Sherman  
Shiel

Witbeck  
Worth  
Wurts

Those who voted in the negative, were

Barkley  
Burtis  
Decker  
Fay  
Hinckley

Holmes  
Hussey  
W. A. Johnson  
Law  
Lillybridge

Peck  
Petty  
Prince  
Russell  
Schieffelin

Seward  
W. F. Taylor  
Whitmore  
Willis

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Waehner,

*Resolved*, That hereafter no member shall speak more than five minutes upon any question before the House.

Mr. Sherman moved to lay the present order of business on the table, for the purpose of considering the special orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Waehner moved that the bills made a special order for this evening be made a special order for to-morrow evening at 7½ o'clock, and that a session be held at that time for that purpose.

Mr. T. C. Campbell moved to include general orders.

Mr. Speaker put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The Senate bill entitled "An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose," being announced for a third reading,

Mr. Husted moved to recommit said bill to the committee on railroads with instructions to amend as follows, and report the same back forthwith :

Insert the following as sections 8 and 9 :

"§ 8. Nothing in this act contained will be held to authorize the formation of a railway on or along the surface of any street, road or avenue in any of the cities of this State upon which a street railroad has been constructed or heretofore authorized to be constructed, or to place the piers or supports of any elevated rapid transit railway on any part of the tracks of said street railroad.

"§ 9. Any elevated railway company which has now constructed at least two miles of its structure, may extend a branch through Forty-second street to the Grand Central depot, in the city of New York, under and pursuant to the provisions of this act."

Change section 8 to section 10.

Debate was had thereon, when

Mr. Prince moved as an amendment to recommit said bill to the committee on railroads for amendment, with power to report at any time, retaining its place on the calendar of third reading of bills.

Debate was had thereon, when

Mr. Hauschel moved as an amendment to make the motion of Mr. Prince read "said committee to report to-morrow morning, immediately after reading the journal."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hauschel, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Prince, as amended, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, as amended, and it was determined in the affirmative.

The bill entitled "An act supplementary to and amendatory of chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 61 }  
{ NOES 35 }

Those who voted in the affirmative, were

Alvord	Decker	Husted	Schieffelin
Badger	Dessar	Ives	Schuyler
Beach	Ely	Kennaday	Seward
Beardsley	Farrar	Kshinka	Sherwood
Benedict	Faulkner	Law	Shiel
Berry	Fay	Mackin	Smith
Bishop	Gedney	McGowan	Speaker
Bowen	Green	McGroarty	Stauf
Braman	Griffin	Merwin	Stephens
Calkins	Hauschel	J. W. Miller	Talmage
T. C. Campbell	Hess	W. Miller	G. Taylor
T. J. Campbell	Hinckley	Oakley	W. F. Taylor
Comstock	Hogan	Page	Wachner
Cooke	Holmes	Pope	Willis
Daggett	Hussey	Roscoe	Yost
Daly			

Those who voted in the negative, were

Barkley	Gallagher	Lincoln	Scudder
Bordwell	Hanrahan	McAfee	Slingerland
Broas	Hepburn	O'Keefe	Wellington
Burtis	Houghton	Peck	Wenzel
Clark	W. A. Johnson	Petty	West
Coffey	Krack	Ransom	Whitmore
Costigan	Lawrence	Rich	Witbeck
Fish	Lewis	Russell	Wurts
Friend	Lillybridge	Sanford	

Mr. McGowan moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages," being announced for a third reading,

Mr. Prince moved to recommit said bill to the committee on general laws, with instructions to strike out section 46, and to change the numbers of subsequent sections to correspond, and that said committee report forthwith.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Kennaday, from the committee on general laws, reported back said bill amended as directed by the House.

Mr. Waehner moved to recommit said bill to the committee on general laws, with instructions to insert as section 46 the following, and to change the numbers of subsequent sections to correspond:

"§ 46. Nothing in this act contained shall authorize the construction or operation of any railway over, along, upon or under either Broadway, Third, Fourth and Fifth avenues, below Fifty-ninth street, in the city of New York, except to cross the same in manner and form approved by said mayor and commissioners where necessary to form a continuous line of railway."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Kennaday, from the committee on general laws, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present..

{ AYES 69 }  
{ NOES 31 }

Those who voted in the affirmative, were

Badger	Fish	Lillybridge	Seward
Barkley	Friend	Lincoln	Shattuck
Bennett	Gallagher	McGroarty	Sherman
Berry	Green	Merwin	Sherwood
Bordwell	Hanrahan	W. Miller	Slingerland
Braman	Hepburn	Oakley	Stauf
Broas	Hinckley	O'Keefe	Struble
Brogan	Houghton	Page	G. Taylor
Brown	Hussey	Peck	Vedder
Burtis	W. A. Johnson	Petty	Wellington
T. J. Campbell	Keenan	Pope	Wenzel
Clark	Kennaday	Prince	West
Comstock	Kirk	Ransom	Whitmore
Cooke	Krack	Russell	Willis
Daggett	Kshinka	Sanford	Witbeck
Decker	Lawrence	Schieffelin	Wurts
Ely	Lewis	Scudder	Yost
Farrar			

Those who voted in the negative, were

Alvord	Daly	Holmes	Rich
Beach	Dessar	Husted	Schuyler
Benedict	Faulkner	Ives	Shiel

Bishop	Fay	W. Johnson	Smith
Calkins	Gedney	Mackin	Speaker
T. C. Campbell	Hauschel	McGowan	Tremain
Coffey	Hess	Muller	Waehner
Costigan	Hogan	Pierson	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize James McAndrew to take, hold and convey real estate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Scudder
Badger	Ely	Lawrence	Seward
Barkley	Farrar	Lewis	Sherman
Beach	Faulkner	Lillybridge	Shiel
Beardsley	Fish	Mackin	Slingerland
Benedict	Friend	McAfee	Smith
Bennett	Gallagher	McGowan	Stacy
Berry	Gedney	McGroarty	Stauf
Bordwell	Griffin	J. W. Miller	Struble
Braman	Hammond	W. Miller	Talmage
Broas	Hanrahan	Oakley	G. Taylor
Burtis	Hepburn	O'Keefe	Tewksbury
Calkins	Hess	Peck	Tremain
T. C. Campbell	Hinckley	Pierson	Vedder
T. J. Campbell	Hogan	Pope	Vosburgh
Clark	Hussey	Ransom	Waehner
Coffey	Husted	Reilly	Wenzel
Comstock	Ives	Rich	West
Cooke	W. Johnson	Roscoe	Witbeck
Costigan	Kennaday	Russell	Worth
Daly	Kirk	Schenck	Wurts
Decker	Krack	Schieffelin	Yost
Dessar	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Seward
Badger	Edson	Law	Sherman
Barkley	Ely	Lawrence	Sherwood
Beach	Faulkner	Lewis	Shiel
Beardsley	Fay	Lincoln	Silverman
Benedict	Fish	Mackin	Smith
Berry	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Struble
Braman	Green	J. W. Miller	Talmage
Broas	Hammond	W. Miller	W. F. Taylor
Brogan	Hanrahan	Oakley	Tewksbury
Burtis	Hepburn	O'Keefe	Vedder
Calkins	Hess	Peck	Vosburgh
T. C. Campbell	Hinckley	Petty	Waehner
T. J. Campbell	Hogan	Pierson	Wellington
Clark	Holmes	Pope	Wenzel
Cleary	Hussey	Ransom	Whitmore
Cole	Husted	Reilly	Willis
Comstock	Ives	Sanford	Witbeck
Cooke	W. Johnson	Schenck	Worth
Costigan	W. A. Johnson	Schieffelin	Wurts
Daly	Kirk	Souder	Yost
Decker	Kraak		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to judgments entered upon forfeited recognizances in the city and county of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Seward
Badger	Ely	Lawrence	Sherman
Barkley	Farrar	Lewis	Sherwood
Beach	Faulkner	Lincoln	Silverman
Benedict	Fay	Mackin	Slingerland
Berry	Fish	McAfee	Speaker
Bordwell	Friend	McGowan	Stauf
Bowen	Gallagher	Merwin	Stephens
Broas	Griffin	J. W. Miller	Talmage
Brown	Hanrahan	Muller	G. Taylor
Burtis	Hepburn	O'Keefe	Tewksbury
Calkins	Hess	Page	Vedder



T. G. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Hogan	Pierson	Waehner
Clark	Holmes	Prince	Wenzel
Coffey	Husted	Ransom	Whitmore
Cole	Ives	Rich	Willis
Cooke	W. Johnson	Roscoe	Witbeck
Costigan	W. A. Johnson	Sanford	Worth
Daggett	Keenan	Schenck	Wurts
Daly	Kirk	Schieffelin	Yost
Dessar	Krack	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May* 11, 1875. }

*To the Assembly :*

I return herewith without my approval Assembly bill No. 388, entitled "An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts."

This bill is so loosely drawn as to open the door to unnecessary and extravagant expenditure, and to the recovery of stale, doubtful and excessive claims. Some legislation upon the subject is doubtless desirable, but a bill providing for the settlement and payment of demands so indefinite in their nature, should contain guards which this bill does not provide.

SAMUEL J. TILDEN.

On motion of Mr. McGowan, said bill and message were laid on the table.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following list of bills as referable to the sub-committee of the whole, and recommend the adoption of the following resolution :

*Resolved*, That there be referred to the sub-committee of the whole the bills entitled as follows :

Senate, "An act in relation to regulating, grading, and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and to provide for the services rendered in laying out and opening streets, avenues, roads or public parks and places in the city of New York."

Senate, "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York."

Senate, "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at a higher elevation."

Senate, "An act to repeal an act entitled 'An act to further provide for the rebuilding and repairing of sewers in the city of New York,' passed March 29, 1871."

Mr. Speaker put the question whether the House would agree to refer said bills, and it was determined in the affirmative.

The bill entitled "An act to amend section 67 of article 2, chapter 1, part 2, title 2 of the Revised Statutes in relation to trusts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Sherman
Badger	Faulkner	Lawrence	Sherwood
Barkley	Fay	Lewis	Silverman
Barrow	Fish	Lillybridge	Slingerland
Beach	Friend	Mackin	Smith
Beardsley	Gallagher	McGowan	Speaker
Berry	Gedney	McGroarty	Stacy
Bordwell	Griffin	Merwin	Stephens
Braman	Hanrahan	J. W. Miller	Struble
Burtis	Hepburn	W. Miller	G. Taylor
Calkins	Hess	Muller	W. F. Taylor
T. C. Campbell	Hinckley	Oakley	Tremain
T. J. Campbell	Hogan	Page	Vedder
Clark	Holmes	Peck	Vosburgh
Coffey	Hussey	Pierson	Wellington
Cole	Husted	Pope	Wenzel
Cooke	Ives	Ransom	West
Costigan	W. Johnson	Reilly	Willis
Daly	Keenan	Roscoe	Witbeck
Decker	Kirk	Russell	Worth
Dessar	Krack	Schenck	Wurts
Edson	Kshinka	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Alvord, at 9 o'clock and 50 minutes, the House adjourned.

WEDNESDAY, MAY 12, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bill entitled "An act making appropriations for certain expenses of government," with a message informing of assent to a committee of conference thereon, and have appointed Messrs. Wood, Lowery and Jacobs as such committee on the part of the Senate.

A message from the Senate was received and read informing of reconsideration of the vote on the final passage of the bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 20, 1866, and amended April 22, 1867, April 27, 1871, March 27, 1872, and May 14, 1873," recalled from the Governor for amendment, and of the passage of the same as amended.

*Ordered,* That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to amend and consolidate the several acts relating to the city of Elmira."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Senate returned the bills entitled as follows:

"An act providing that the bridge in the course of construction over the East river, between the cities of New York and Brooklyn, by the New York Bridge Company, shall be a public work of the cities of New York and Brooklyn, and for the dissolution of said company and the completion and management of the said bridge by the said cities."

"An act to protect the owners of bottles, boxes, baskets, casks and syphons, used in the sale of soda water, mineral waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer or other similar beverages."

*Ordered,* That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bill entitled as follows:

"An act to provide for the building of a town house or hall in the town of Fort Covington, in the county of Franklin."

*Ordered,* That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing that they had agreed to the report of the committee of conference, in the words following:

The committee of conference to which was referred the matters in difference between the two Houses on the Assembly bill entitled "An act to provide for the appointment of a commission to investigate, consider and report upon the disposition to be made of the lateral canals," beg leave to report:

That they have agreed to recommend that the Legislature do adopt the following bill, being an amendment of the Senate amendment of the House bill:

"SECTION 1. It shall be the duty of the Canal Commissioners and the State Engineer and Surveyor to examine the Crooked Lake Canal, the Chemung Canal, the Genesee Valley Canal, the Chenango Canal and the Black River Canal, and their appurtenances; to take such testimony in respect to the same as they shall deem necessary or expedient; to examine all surveys, maps, reports and documents relating to the same in the public offices; to ascertain whether any of the canals should be sold, leased or abandoned; whether any, or any portions of any, of them are necessary to be retained as feeders, and if so, in what condition and at what annual cost, and whether a sale, lease or abandonment will affect the legal rights of individuals, and if so, to what extent; and generally to report to the Canal Board on all matters incident to such disposal of the canals as may to them seem expedient; and it shall be the duty of the Canal Board to report the evidence taken and the facts ascertained

to the Legislature of 1876, and in the first week of the session thereof, together with their opinion as to the best disposition to be made of the said canals, the manner in which said disposition should be made, and what legislation will be necessary to carry into effect their recommendations; and the said Canal Commissioners and the State Engineer and Surveyor are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers to administer oaths and to examine persons under oath in respect to such matters as they may deem necessary.

"§ 2. This act shall take effect immediately."

Your committee have further agreed to recommend that the title of the bill shall be changed so as to read as follows:

"An act to require the Canal Board to investigate, consider and report upon the disposition to be made of the lateral canals."

All of which is respectfully submitted.

WM. B. WOODIN,  
DAN. H. COLE,  
*Senate Committee.*

A. S. PAGE,  
R. D. COLE,  
THOMAS G. ALVORD,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Schenck
Badger	Farrar	Krack	Schieffelin
Barkley	Fay	Law	Schuyler
Beardsley	Fish	Lawrence	Scudder
Berry	Friend	Lawson	Seward
Bishop	Gallagher	Lewis	Shattuck
Bordwell	Green	Lincoln	Sherwood
Bowen	Griffin	McAfee	Shiel
Bradley	Hammond	McGowan	Slingerland
Braman	Hanrahan	McGroarty	Smith
Burtisj	Hauschel	Merwin	Speaker
T. C. Campbell	Hepburn	J. W. Miller	Stauf
T. J. Campbell	Hinckley	W. Miller	Talmage
Clark	Holmes	Oakley	Tewksbury
Coffey	Houghton	Page	Vosburgh
Comstock	Hussey	Petty	Waehner
Daggett	Husted	Pierson	Wellington
Daly	W. A. Johnson	Pope	Whitmore
Decker	Keenan	Ransom	Willis
Edson	Kennaday	Russell	Witbeck

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Speaker presented a communication from the mayor of New York

city relative to rapid transit; which was laid on the table and ordered printed.

(See Doc. No. 161.)

Mr. Waehner offered for the consideration of the House a resolution, in the words following:

*Resolved*, That this House, after to-day, meet daily at 9½ o'clock A. M., and hold a session until 2 o'clock P. M., and also hold a session daily from 4 o'clock P. M. to 7 o'clock P. M., and no evening session shall be held.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Mackin, from the committee on railroads, to which was recommitted the Senate bill introduced by Mr. Moore, Int. No. 227, entitled "An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose," retaining its place on the calendar of third reading of bills, reported back said bill amended as directed by the House.

Said bill being announced for a third reading,

Mr. T. C. Campbell moved to recommit said bill to the committee on railroads with instructions to strike out all the amendments of the House, and that they report back forthwith.

Debate was had thereon, when

Mr. Ransom moved to amend by retaining that portion of the amendments excepting the city of Buffalo.

Mr. Dessar moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Ransom, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the negative.

{ AYES 45 }  
{ NOES 56 }

Those who voted in the affirmative, were

Alvord	Davis	Kennaday	Sherman
Barrow	Dessar	Kirk	Shiel
Beach	Farrar	Lincoln	Silverman
Beardsley	Fay	McGowan	Smith
Benedict	Green	Muller	Speaker
Bradley	Hammond	Page	Stauf
T. C. Campbell	Hauschel	Pope	Talmage
T. J. Campbell	Hess	Reilly	G. Taylor
Comstock	Hogan	Roscoe	Vosburgh
Cooke	Holmes	Schieffelin	Waehner
Daggett	Keenan	Schuyler	West
Daly			

Those who voted in the negative, were

Barkley	Gallagher	Mackin	Sherwood
Berry	Griffin	McAfee	Slingerland
Bishop	Hanrahan	W. Miller	Stacy
Braman	Hepburn	O'Keefe	W. F. Taylor
Broas	Hinckley	Petty	Tewksbury

Brown	Houghton	Pierson	Vedder
Burtis	Hussey	Prince	Wellington
Calkins	Husted	Ransom	Wenzel
Clark	Krack	Rich	Whitmore
Coffey	Law	Sanford	Willis
Cole	Lawrence	Schenck	Witbeck
Decker	Lawson	Scudder	Wurts
Ely	Lewis	Seward	Yost
Friend	Lillybridge	Shattuck	

Pending the call, Mr. Prince asked to be excused from voting.

Mr. Speaker put the question whether the House would grant said request, and it was determined in the negative.

On motion of Mr. Husted, and by unanimous consent, said bill was amended by striking out the word "railway" and inserting the words "street railroad."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 73 }  
} NOES 29 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schuyler
Badger	Farrar	Kshinka	Scudder
Beach	Faulkner	Lillybridge	Seward
Beardsley	Fay	Lincoln	Shattuck
Benedict	Green	Maackin	Sherman
Bishop	Hammond	McAfee	Shiel
Bowen	Hauschel	McGowan	Smith
Bradley	Hepburn	McGroarty	Stacy
Broas	Hess	Merwin	Stauf
Calkins	Hinckley	W. Miller	G. Taylor
T. C. Campbell	Hogan	Muller	W. F. Taylor
T. J. Campbell	Holmes	Oakley	Tewksbury
Clark	Hussey	Page	Waehner
Comstock	Husted	Petty	Wellington
Cooke	Ives	Roscoe	West
Daggett	W. Johnson	Sanford	Willis
Daly	W. A. Johnson	Schenck	Wurts
Davis	Kennaday	Schieffelin	Yost
Decker			

Those who voted in the negative, were

Barkley	Costigan	Krack	Ransom
Barrow	Fish	Lawrence	Rich
Berry	Friend	Lawson	Slingerland
Bordwell	Gallagher	Lewis	Vedder
Braman	Griffin	Peck	Wenzel
Brown	Hanrahan	Pierson	Whitmore
Coffey	Houghton	Prince	Witbeck
Cole			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate returned the bill entitled "An act to authorize the taking of certain lands in the city of Buffalo, for the purpose of the continuation of Fillmore avenue from its present southerly termination to the westerly line of the Hamburg turnpike, and for improving and embellishing the same," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 3, line 1, strike out all after "§ 3" down to and including the words "sixty-nine" in line 11. Same section, lines 12 and 13, strike out words "and improving the same." Same section, line 14, after the word "provided" strike out the remainder of the section and insert in lieu thereof the following: "by the city charter for the opening of streets or for widening and extending the same."

Strike out all of section 4, and change following sections to correspond.

Section 5, line 5, strike out the word "said" and insert the word "the."

Section 6, change the word "commission" to "commissioners."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lawrence	Schuyler
Barrow	Faulkner	Lawson	Scudder
Beardsley	Fish	Lillybridge	Shattuck
Bennett	Friend	Lincoln	Sherman
Berry	Gallagher	Mackin	Shiel
Bordwell	Green	McGowan	Silverman
Bradley	Hammond	McGroarty	Smith
Braman	Hanrahan	Merwin	Speaker
Burtis	Hepburn	J. W. Miller	Stauf
Calkins	Hess	Muller	W. F. Taylor
T. C. Campbell	Hinckley	Oakley	Tewksbury
T. J. Campbell	Hogan	O'Keefe	Tremain
Clark	Hussey	Peck	Vedder
Coffey	Husted	Petty	Vosburgh
Cole	Ives	Pope	Waehner
Costigan	W. Johnson	Prince	Wenzel
Daggett	Kennaday	Ransom	Whitmore
Daly	Kirk	Rich	Witbeck
Decker	Krack	Roscoe	Wurts
Edson	Kshinka	Sanford	Yost
Ely	Law	Schenck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.



Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter,' for amendment.

Mr. Pope moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Mackin	Sherman
Barkley	Faulkner	McGowan	Sherwood
Beach	Fay	McGroarty	Shiel
Beardsley	Friend	J. W. Miller	Silverman
Bennett	Gallagher	W. Miller	Slingerland
Bishop	Green	Oakley	Smith
Bowen	Hammond	O'Keefe	Speaker
Bradley	Hauschel	Peck	Stauf
Broas	Hess	Petty	Talmage
Brogan	Hogan	Pope	G. Taylor
Burtis	Hussey	Ransom	Tewksbury
Calkins	Ives	Reilly	Tremain
T. C. Campbell	W. Johnson	Roscoe	Vosburgh
T. J. Campbell	Keenan	Russell	Waehner
Clark	Kirk	Sanford	Wenzel
Coffey	Krack	Schieffelin	Whitmore
Cole	Kshinka	Schuyler	Willis
Costigan	Lawrence	Scudder	Worth
Daggett	Lawson	Seward	Wurts
Decker	Lewis	Shattuck	Yost
Dessar	Lillybridge		

On motion of Mr. Pope, and by unanimous consent, said bill was amended as follows:

Section 1, line 8, after the word "places" insert the word "stoves." Add at the end of same section the following: "or occupant thereof, which expense may be recovered against such owner or occupant; and to designate and fix certain fire limits in or near the compact part of the village, by regulating or prohibiting the construction of buildings, cornices or roofs of wood, or other material liable to fire within said limits.

"§ 2. This act shall take effect immediately."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Sherwood
Badger	Edson	Lewis	Shiel
Barkley	Ely	Lillybridge	Silverman
Beach	Faulkner	Mackin	Slingerland
Beardsley	Fay	McGowan	Speaker
Bennett	Friend	McGroarty	Stacy
Bishop	Gallagher	J. W. Miller	Stauf
Bordwell	Green	W. Miller	Stephens
Bradley	Griffin	Oakley	Talmage
Braman	Hanrahan	O'Keefe	G. Taylor
Brogan	Hauschel	Peck	Tewksbury
Brown	Hepburn	Petty	Tremain
Burtis	Hinckley	Pope	Vosburgh
Calkins	Holmes	Prince	Waehner
T. C. Campbell	Houghton	Reilly	Wellington
T. J. Campbell	Husted	Roscoe	Wenzel
Clark	Ives	Russell	West
Coffey	W. Johnson	Schenck	Whitmore
Cole	Kennaday	Schieffelin	Willis
Cooke	Kirk	Schuyler	Witbeck
Daggett	Krack	Seward	Wurts
Daly	Law	Shattuck	Yost
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate bill entitled "An act to amend an act entitled 'An act in relation to the salary of the supervisors of Albany county,' passed May 3, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Shattuck
Badger	Ely	Lewis	Sherwood
Barrow	Farrar	Lincoln	Shiel
Beach	Fay	Mackin	Slingerland
Benedict	Friend	McAfee	Smith
Berry	Gallagher	McGowan	Stacy
Bishop	Gedney	McGroarty	Stauf
Bordwell	Griffin	J. W. Miller	Struble
Bradley	Hammond	W. Miller	G. Taylor
Braman	Hauschel	Oakley	W. F. Taylor
Brogan	Hepburn	Page	Tremain
Burtis	Hess	Petty	Vedder

Calkins	Holmes	Pierson	Waehner
T. C. Campbell	Hussey	Prince	Wenzel
T. J. Campbell	Husted	Reilly	West
Coffey	Ives	Rich	Willis
Cole	W. A. Johnson	Russell	Witbeck
Costigan	Kirk	Sanford	Worth
Daly	Krack	Schieffelin	Wurts
Decker	Kshinka	Schuyler	Yost
Dessar	Law	Scudder	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to increase the powers of the common council of the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Davis	Kshinka	Shattuck
Barkley	Dessar	Law	Shiel
Beach	Edson	Lawrence	Silverman
Beardsley	Ely	Lewis	Smith
Bennett	Faulkner	Lincoln	Stacy
Berry	Fay	McAfee	Stauf
Bishop	Friend	McGowan	Struble
Bordwell	Gallagher	McGroarty	Talmage
Bradley	Green	J. W. Miller	W. F. Taylor
Braman	Griffin	Muller	Tremain
Brogan	Hanrahan	O'Keefe	Vedder
Burtis	Hauschel	Peck	Waehner
Calkins	Hess	Pierson	Wellington
T. C. Campbell	Hinckley	Pope	West
T. J. Campbell	Holmes	Prince	Whitmore
Clark	Houghton	Rich	Witbeck
Coffey	Husted	Russell	Worth
Cole	Ives	Schenck	Wurts
Cooke	W. A. Johnson	Schuyler	Yost
Costigan	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to further amend chapter 306 of the Laws of 1861, entitled 'An act to amend the act passed May 8, 1846, entitled An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lewis	Shiel
Badger	Farrar	Lillybridge	Silverman
Barrow	Faulkner	Lincoln	Smith
Beardsley	Friend	McGowan	Speaker
Bennett	Gallagher	McGroarty	Stacy
Berry	Griffin	Merwin	Struble
Bordwell	Hammond	Muller	Talmage
Bradley	Hauschel	Oakley	G. Taylor
Braman	Hepburn	Page	Tewksbury
Brown	Hinckley	Petty	Vedder
Burtis	Hogan	Pierson	Vosburgh
Calkins	Hussey	Prince	Waehner
T. C. Campbell	Ives	Ransom	Wellington
T. J. Campbell	W. Johnson	Rich	Wenzel
Cleary	W. A. Johnson	Roscoe	West
Cole	Kennaday	Sanford	Whitmore
Comstock	Kirk	Schieffelin	Witbeck
Costigan	Krack	Schuyler	Worth
Daly	Kshinka	Seward	Wurts
Davis	Lawrence	Sherman	Yost
Edson			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to repeal chapter 309 of the Laws of 1853, entitled 'An act relative to the common lands in the town of North Hempstead, county of Queens,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Mackin	Scudder
Badger	Faulkner	McAfee	Shattuck
Barkley	Fish	McGowan	Sherwood
Beach	Friend	McGroarty	Shiel
Benedict	Gallagher	J. W. Miller	Slingerland
Berry	Griffin	W. Miller	Speaker
Bishop	Hammond	Muller	Stauf
Bowen	Hauschel	Oakley	Stephens
Braman	Hess	O'Keefe	Struble
Brogan	Hogan	Page	G. Taylor
Brown	Houghton	Peck	W. F. Taylor
Calkins	Husted	Petty	Tewksbury
T. C. Campbell	Ives	Pierson	Tremain
T. J. Campbell	W. Johnson	Pope	Vosburgh
Clark	Kennaday	Prince	Waehner

Coffey	Kirk	Ransom	Wenzel
Cole	Krack	Reilly	Whitmore
Cooke	Kshinka	Rich	Willis
Daggett	Law	Russell	Worth
Davis	Lawrence	Schenck	Wurts
Dessar	Lawson	Schieffelin	Yost
Edson	Lillybridge		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Shattuck
Badger	Ely	Law	Sherman
Barrow	Farrar	Lawrence	Shiel
Beach	Faulkner	Lewis	Silverman
Benedict	Fay	Lincoln	Smith
Bennett	Fish	Mackin	Speaker
Berry	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Stephens
Bowen	Gedney	J. W. Miller	Struble
Bradley	Griffin	Oakley	Talmage
Broas	Hanrahan	O'Keefe	G. Taylor
Brown	Hauschel	Peck	W. F. Taylor
Burtis	Hess	Petty	Tremain
Calkins	Hinckley	Pope	Vedder
T. C. Campbell	Hogan	Prince	Vosburgh
T. J. Campbell	Houghton	Ransom	Wellington
Clark	Hussey	Rich	West
Coffey	Ives	Russell	Willis
Cole	W. Johnson	Sanford	Witbeck
Cooke	Kennaday	Schenck	Worth
Costigan	Kirk	Schuyler	Wurts
Daly	Krack	Scudder	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to enable incorporated parishes of the Protestant Episcopal denomination in the diocese of Central New York to make certain transfers of their real and personal estate," as amended was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Scudder
Badger	Dessar	Law	Shattuck
Barkley	Edson	Lawrence	Sherman
Beach	Ely	Lewis	Shiel
Beardsley	Farrar	Lillybridge	Silverman
Benedict	Faulkner	Lincoln	Smith
Berry	Friend	McAfee	Stacy
Bishop	Gallagher	McGowan	Stephens
Bordwell	Green	McGroarty	Struble
Braman	Griffin	J. W. Miller	Talmage
Broas	Hanrahan	Muller	G. Taylor
Brown	Hauschel	Oakley	Tewksbury
Burtis	Hess	O'Keefe	Tremain
Calkins	Hinckley	Peck	Vosburgh
T. C. Campbell	Hogan	Petty	Waehner
T. J. Campbell	Houghton	Pierson	Wenzel
Clark	Husted	Prince	Whitmore
Coffey	Ives	Ransom	Witbeck
Comstock	W. Johnson	Roscoe	Worth
Cooke	Keenan	Russell	Wurts
Daggett	Kirk	Schenck	Yost
Daly	Krack	Schuyler	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to alter and define the boundaries of the first and second commissioner districts of Monroe county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Law	Seward
Badger	Decker	Lawrence	Sherman
Barkley	Dessar	Lewis	Shiel
Beach	Edson	Lillybridge	Slingerland
Beardsley	Ely	Mackin	Smith
Benedict	Faulkner	McAfee	Speaker
Berry	Fish	McGroarty	Stacy
Bordwell	Friend	Merwin	Stephens
Bowen	Gallagher	J. W. Miller	Struble
Braman	Gedney	Muller	Talmage
Broas	Hanrahan	Oakley	W. F. Taylor
Brown	Hauschel	Page	Tewksbury
Burtis	Hepburn	Peck	Tremain

Calkins	Hess	Pierson	Vosburgh
T. C. Campbell	Hogan	Pope	Waehner
T. J. Campbell	Husted	Prince	Wenzel
Clark	Ives	Reilly	Whitmore
Coffey	W. A. Johnson	Roscoe	Witbeck
Comstock	Kennaday	Russell	Worth
Cooke	Kirk	Schenck	Wurts
Costigan	Krack	Schieffelin	Yost
Daggett	Kshinka	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to Anne Pinkerton, formerly Anne Scott," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schuyler
Badger	Dessar	Kshinka	Scudder
Barkley	Edson	Law	Shattuck
Beach	Ely	Lawrence	Sherwood
Beardsley	Farrar	Lawson	Shiel
Benedict	Faulkner	Lillybridge	Slingerland
Bennett	Fay	Mackin	Smith
Berry	Fish	McAfee	Stacy
Bordwell	Friend	McGroarty	Stauf
Bowen	Gallagher	Merwin	Struble
Bradley	Green	J. W. Milier	Talmage
Broas	Hammond	W. Miller	W. F. Taylor
Brogan	Hanrahan	Oakley	Tewksbury
Brown	Hess	Page	Vedder
Burtis	Hogan	Petty	Vosburgh
Calkins	Holmes	Pierson	Waehner
T. C. Campbell	Hussey	Pope	Wellington
T. J. Campbell	Husted	Prince	West
Clark	Ives	Ransom	Whitmore
Cleary	W. Johnson	Rich	Willis
Coffey	W. A. Johnson	Roscoe	Witbeck
Comstock	Keenan	Sanford	Worth
Cooke	Kennaday	Schenck	Wurts
Costigan	Kirk	Schieffelin	Yost
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies,'" was read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schuyler
Badger	Edson	Lawrence	Seward
Barkley	Ely	Lawson	Shattuck
Beach	Farrar	Lewis	Sherman
Beardsley	Faulkner	Lincoln	Shiel
Bennett	Fay	Mackin	Slingerland
Berry	Fish	McGowan	Smith
Bishop	Gallagher	McGroarty	Stauf
Bowen	Gedney	Merwin	Stephens
Bradly	Griffin	J. W. Miller	Talmage
Braman	Hanrahan	Muller	G. Taylor
Brogan	Hauschel	Oakley	Tewksbury
Burtis	Hess	Page	Tremain
Calkins	Hinckley	Peck	Vedder
T. C. Campbell	Holmes	Pierson	Waehner
T. J. Campbell	Hussey	Pope	Wenzel
Clark	Husted	Prince	West
Coffey	W. Johnson	Ransom	Whitmore
Cole	W. A. Johnson	Rich	Witbeck
Cooke	Kennaday	Russell	Worth
Costigan	Kirk	Sanford	Wurts
Daly	Krack	Schieffelin	Yost
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court," being announced for a third reading,

On motion of Mr. Waehner, and by unanimous consent, said bill was amended as follows:

Section 1, line 7, engrossed bill, strike out the word "five" and insert the word "two."

Section 43, strike out in lines 3 and 4 the following: "in the manner and in the cases hereinafter prescribed, and in no other."

Strike out subdivisions 1 and 2 of section 43, and lines 1, 2 and 3 of subdivision 3 down to the word "within" in line 8. Line 7, subdivision 3, strike out the words "in said" and insert the words "of the."

Strike out subdivision 4, and change subdivisions 5 and 6 to 2 and 3.

Strike out subdivision 5 of section 44, and change subdivision 6 to 5.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Badger	Ely	Law	Seward
Barkley	Farrar	Lawrence	Sherman
Benedict	Faulkner	Lewis	Silverman
Bennett	Fish	Lincoln	Slingerland
Berry	Friend	Mackin	Speaker
Bordwell	Gallagher	McGowan	Stauf
Bowen	Green	McGroarty	Stephens
Bradley	Hammond	Merwin	Talmage
Braman	Hanrahan	J. W. Miller	G. Taylor
Burtis	Hepburn	Muller	Tewksbury
Calkins	Hess	Oakley	Tremain
T. C. Campbell	Hinckley	O'Keefe	Vedder
T. J. Campbell	Hogan	Page	Vosburgh
Clark	Holmes	Petty	Waehner
Coffey	Hussey	Pierson	West
Cole	Husted	Prince	Whitmore
Cooke	Ives	Ransom	Witbeck
Costigan	W. Johnson	Rich	Worth
Daly	Keenan	Roscoe	Wurts
Decker	Kirk	Russell	Yost
Dessar	Krack	Schenck	

For the negative,

Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Decker	Krack	Scudder
Badger	Dessar	Kshinka	Sherman
Barkley	Ely	Law	Sherwood
Beach	Farrar	Lawrence	Silverman
Beardsley	Faulkner	Lewis	Smith
Benedict	Fish	Lillybridge	Speaker
Bennett	Friend	Lincoln	Stacy
Berry	Gallagher	McAfee	Stauf
Bordwell	Green	McGowan	Struble

Bradley	Hammond	McGroarty	Talmage
Braman	Hanrahan	J. W. Miller	W. F. Taylor
Brown	Hepburn	Muller	Tewksbury
Burtis	Hess	O'Keefe	Vedder
Calkins	Hinckley	Page	Vosburgh
T. C. Campbell	Hogan	Peck	Wellington
T. J. Campbell	Houghton	Pierson	Wenzel
Clark	Hussey	Pope	Whitmore
Coffey	Husted	Ransom	Willis
Cole	Ives	Rich	Worth
Cooke	W. Johnson	Russell	Wurts
Costigan	Keenan	Schenck	Yost
Daly	Kirk	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act for the preservation of fish in the River St. Lawrence,' passed June 12, 1873."

"An act to authorize the settlement of the claims of the city of New York against the Eighth National Bank."

The bill entitled "An act to amend chapter 676 of the Laws of 1870, entitled 'An act to incorporate the Richmond Hotel Company of Staten Island,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Badger	Farrar	Lawrence	Seward
Barrow	Faulkner	Lawson	Sherman
Beach	Fish	Lewis	Sherwood
Benedict	Friend	Lillybridge	Shiel
Bennett	Gallagher	Lincoln	Silverman
Berry	Gedney	McAfee	Smith
Bishop	Griffin	McGowan	Speaker
Bowen	Hammond	McGroarty	Stauf
Braman	Hanrahan	Merwin	Struble
Brogan	Hauschel	J. W. Miller	Talmage
Brown	Hinckley	Muller	W. F. Taylor
Calkins	Hogan	Oakley	Tewksbury
T. C. Campbell	Houghton	Page	Vedder
T. J. Campbell	Hussey	Peck	Vosburgh
Cleary	Husted	Pierson	Wellington
Coffey	Ives	Pope	Wenzel
Cole	W. Johnson	Ransom	Whitmore
Cooke	Keenan	Reilly	Witbeck
Daggett	Kennaday	Rich	Worth

Davis  
Decker

Kirk  
Krack

Russell  
Schenck

Wurts  
Yost

For the negative,  
Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," was read a third time.

Mr Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schnyler
Badger	Edson	Kshinka	Seward
Barkley	Ely	Law	Sherman
Beach	Farrar	Lawrence	Sherwood
Beardsley	Faulkner	Lewis	Silverman
Benedict	Fish	Lincoln	Smith
Bennett	Friend	McAfee	Stacy
Berry	Gallagher	McGowan	Stauf
Bordwell	Green	McGroarty	Struble
Bowen	Griffin	J. W. Miller	Talmage
Braman	Hammond	W. Miller	W. F. Taylor
Broas	Hauschel	Muller	Tewksbury
Burtis	Hepburn	O'Keefe	Tremain
Calkins	Hinckley	Page	Vedder
T. C. Campbell	Hogan	Peck	Wachner
T. J. Campbell	Holmes	Pierson	Wenzel
Clark	Hussey	Pope	West
Cofley	Husted	Prince	Whitmore
Comstock	Ives	Reilly	Willis
Cooke	W. Johnson	Rich	Witbeck
Costigan	Keenan	Russell	Wurts
Daggett	Kennaday	Sanford	Yost
Davis	Kirk	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to regulate insurance upon property of deceased persons," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

MAY 12.]

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{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schuyler
Badger	Decker	Kshinka	Sendder
Barkley	Edson	Law	Shattuck
Barrow	Ely	Lawrence	Sherman
Bearisley	Farrar	Lewis	Shiel
Bennett	Faulkner	Lillybridge	Silverman
Berry	Fay	Lincoln	Smith
Bordwell	Fish	Mackin	Speaker
Bowen	Friend	McGowan	Stauf
Bradley	Gallagher	McGroarty	Stephens
Broas	Green	J. W. Miller	Talmage
Brogan	Hammond	Muller	G. Taylor
Burtis	Hanrahan	Oakley	Tewksbury
Calkins	Hauschel	Page	Tremain
T. C. Campbell	Hess	Peck	Vosburgh
T. J. Campbell	Hinckley	Petty	Wachner
Clark	Hogan	Pierson	Wenzel
Cleary	Houghton	Prince	West
Coffey	Husted	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Cooke	W. Johnson	Russell	Wurts
Costigan	Keenan	Sanford	Yost
Daly	Kennaday	Schieffelin	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to regulate pilotage for the port of New York," being announced for a third reading,

On motion of Mr. Vosburgh, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, strike out the word "that" and change small "s" to capital "S." Line 7, commence "§ 13." Line 15, strike out the word "tenth" and insert the word "fifth."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schuyler
Badger	Dessar	Kshinka	Seward
Barkley	Ely	Law	Shattuck
Beach	Farrar	Lawrence	Sherwood
Beardsley	Faulkner	Lewis	Shiel
Bennett	Fay	Lincoln	Slingerland
Berry	Fish	Mackin	Speaker

Bordwell	Friend	McGowan	Stauf
Bowen	Gallagher	McGroarty	Stephens
Bradley	Green	Merwin	Talmage
Braman	Griffin	W. Miller	G. Taylor
Brogan	Hammond	Muller	Tewksbury
Burtis	Hanrahan	Oakley	Tremain
Calkins	Hepburn	Page	Vosburgh
T. C. Campbell	Hess	Peck	Waehner
T. J. Campbell	Hogan	Petty	Wellington
Clark	Houghton	Pierson	West
Cleary	Hussey	Prince	Willis
Cole	Husted	Reilly	Witbeck
Comstock	W. Johnson	Rich	Worth
Costigan	W. A. Johnson	Russell	Wurts
Daggett	Kennaday	Sanford	Yost
Daly	Kirk	Schenck	

*Ordered,* That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rensselaer Bridge Company," being announced for a third reading,

Mr. W. F. Taylor moved to recommit said bill to the committee on commerce and navigation.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 63 }  
{ NOES 32 }

Those who voted in the affirmative, were

Alvord	Costigan	Mackin	Silverman
Badger	Daly	McAfee	Smith
Barrow	Faulkner	McGowan	Speaker
Bennett	Gallagher	McGroarty	Stacy
Bishop	Green	W. Miller	Stauf
Bordwell	Griffin	Muller	Stephens
Bowen	Hanrahan	Oakley	Struble
Bradley	Hauschel	O'Keefe	Vedder
Braman	Hogan	Page	Vosburgh
Brown	Houghton	Reilly	Waehner
Burtis	Husted	Schenck	Wenzel
Calkins	Ives	Schuyler	West
T. J. Campbell	W. Johnson	Seward	Whitmore
Clark	Keenan	Sherman	Willis
Coffey	Kennaday	Sherwood	Yost
Cole	Kirk	Shiel	

Those who voted in the negative, were

Barkley	Farrar	Lawson	Sanford
Beach	Friend	Lewis	Schieffelin
Beardsley	Hammond	Lillybridge	Scudder
Broas	Hinckley	J. W. Miller	Shattuck
Brogan	Holmes	Peck	Talmage
Cleary	Hussey	Petty	W. F. Taylor
Cooke	W. A. Johnson	Pierson	Witbeck
Daggett	Krack	Roscoe	Wurts
Decker			

The bill entitled "An act in relation to the police department in the city of New York," being announced for a third reading,

Mr. Waehner moved to recommit said bill to the committee on the judiciary with instructions to amend as follows, and report the same back forthwith:

Strike out section 1 and insert in lieu thereof the following:

"§ 1. Upon failure of any witness duly subpœnaed to obey any subpœna issued by the board of police of the city of New York, requiring such witness to give testimony in any proceeding authorized by its rules and regulations, said board may make application to any justice of the supreme court for an attachment to compel the attendance and obedience of such witness to the mandates of its subpœna, and said justice, on due proof of the default of such witness, shall have the power of issuing said attachment, and said defaulting witness may be punished by said court for contempt, like witnesses in cases and proceedings in or before such court."

Debate was had thereon, when

Mr. Smith moved to add to said instructions the following: "Nothing herein, however, shall be held to effect the conduct of the trial of persons for charges now pending."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Smith, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, as amended, and it was determined in the affirmative.

Mr. Waehner, from the committee on the judiciary, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 28 }

Those who voted in the affirmative, were

Alvord	Daggett	Law	Sherman
Badger	Decker	Lewis	Smith
Barkley	Dessar	Lincoln	Speaker
Barrow	Farrar	McAfee	Stacy
Beardsley	Fay	Merwin	Stauf



Benedict	Friend	Muller	Struble
Bishop	Green	Oakley	G. Taylor
Bordwell	Griffin	Page	W. F. Taylor
Bowen	Hammond	Peck	Tremain
Bradley	Hess	Petty	Vedder
Braman	Hinckley	Pierson	Vosburgh
Brown	Holmes	Prince	Waehner
Burtis	Houghton	Roscoe	Wellington
Calkins	Husted	Russell	Wenzel
Clark	W. Johnson	Sanford	West
Cole	W. A. Johnson	Schenck	Willis
Comstock	Krack	Seward	Yost

Those who voted in the negative, were

Beach	Costigan	Kshinka	Reilly
Bennett	Ely	Lawrence	Schieffelin
Brogan	Hanrahan	Lawson	Scudder
T. C. Campbell	Hepburn	McGowan	Talmage
Cleary	Hussey	McGroarty	Whitmore
Coffey	Keenan	O'Keefe	Witbeck
Cooke	Kirk	Ransom	Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to amend chapter 467 of the Laws of 1862, entitled An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' " passed May 2, 1864, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 10 }

Those who voted in the affirmative, were

Alvord	Cooke	Lawson	Sherman
Barkley	Costigan	Lewis	Shiel
Barrow	Daly	Lincoln	Slingerland
Beach	Decker	MoAfee	Smith
Beardsley	Dessar	McGowan	Speaker
Berry	Edson	McGroarty	Stacy
Bishop	Hanrahan	Merwin	Stauf
Bordwell	Hepburn	J. W. Miller	Struble
Broas	Hess	Muller	Talmage
Brogan	Hinckley	O'Keefe	G. Taylor
Burtis	Holmes	Petty	Tewksbury
Calkins	Houghton	Pierson	Vedder
T. C. Campbell	Hussey	Prince	Vosburgh
T. J. Campbell	Husted	Reilly	Wenzel
Clark	Keenan	Rich	West
Cleary	Kennaday	Roscoe	Whitmore
Coffey	Krack	Russell	Willis
Cole	Kshinka	Scudder	Wurts
Comstock	Law	Seward	

Those who voted in the negative, were

Benedict  
Green  
Lillybridge

Peck  
Sanford  
Schenck

Schieffelin  
Schuyler

W. F. Taylor  
Waehner

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Vosburgh moved to reconsider the vote by which the bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating The Albany and Rensselaer Bridge Company," was lost, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" being announced for a third reading,

On motion of Mr. Waehner, and by unanimous consent, said bill was amended as follows:

Insert as section 5 the following, and change succeeding sections to correspond.

"§ 5. Subdivision five of section one hundred and thirty-five of said chapter is hereby amended so as to read as follows:

"5. Where the action is for divorces, in the cases prescribed by law, the order must direct the publication to be made in two newspapers, to be designated as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for six weeks. In case of publication the court or judge must also direct a copy of the summons and complaint to be forthwith deposited in the post-office, directed to the person to be served, at his place of residence, unless it appear that such residence is neither known to the party making the application, nor can, with reasonable diligence, be ascertained by him. When publication is ordered, personal service of a copy of the summons and complaint out of the State is equivalent to publication and deposit in the post-office. The defendant against whom publication is ordered, or his representatives on application and sufficient cause shown, at any time before judgment, must be allowed to defend the action; and, except in an action for divorce, the defendant against whom publication is ordered, or his representatives, may in like manner, upon good cause shown, be allowed to defend after judgment or at any time within one year after notice thereof and within seven years after the rendition, on such terms as may be just; and if the defense be successful, and the judgment or any part thereof have been collected or otherwise enforced, such restitution may thereupon be compelled as the court directs; but the title to property sold under such judgment to a purchaser in good faith, shall not be thereby affected. And in all cases where publication is made, the complaint must be first filed and the summons as published must state the time and place of such filing. In actions for the foreclosure of mortgages on real estate, or for the foreclosure of any lien on personal property, already instituted or hereafter to be instituted, if any party or parties having any interest in or lien upon such mortgaged premises or such personal property, are unknown to the plaintiff, and the residence of such party or parties cannot with reasonable diligence be ascer-

tained by him, and such fact shall be made to appear, by affidavit, to the court or to a justice thereof, or to the county judge of the county where the trial is to be had, such court, justice or county judge may grant an order that the summons be served on such unknown party or parties by publishing the same for six weeks, once in each week successively, in the State paper and in a newspaper printed in the county where the premises or such personal property are situated, which publication shall be equivalent to a personal service on such unknown party or parties."

On motion of Mr. Struble, and by unanimous consent, said bill was further amended by inserting as section 3 the following:

"§ 3. Section one hundred and eleven of said chapter is hereby amended so as to read as follows:

"§ 111. Every action must be prosecuted in the name of the real party in interest, except as otherwise provided in section one hundred and thirteen; but this section shall not be deemed to authorize the assignment of a thing in action not arising out of contract, and the assignment of compensation earned or to be earned by any person under any employment or contract for work or services, or in any service or office, public or private, shall be lawful, and this provision shall be applicable to any such past, as well as future, assignment, and to actions in all the courts of this State. But an action may be maintained by a grantee of land in the name of a grantor, or his or her heirs or legal representatives, when the grant or grants are void by reason of the actual possession of a person claiming under a title adverse to that of the grantor at the time of the delivery of the grant, and the plaintiff shall be allowed to prove the facts to bring the case within this provision."

Change section 3 to section 4.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Comstock	Krack	Schuyler
Badger	Cooke	Kshinka	Scudder
Barkley	Costigan	Lawrence	Seward
Beach	Daly	Lewis	Sherman
Beardsley	Decker	Lincoln	Slingerland
Benedict	Edson	McGowan	Smith
Berry	Ely	McGroarty	Stacy
Bishop	Friend	Metwin	Stauf
Bordwell	Gallagher	J. W. Miller	Struble
Bowen	Green	Oakley	Talmage
Bradley	Griffin	O'Keefe	G. Taylor
Braman	Hanrahan	Page	Vedder
Broas	Hepburn	Petty	Vosburgh
Brogan	Hess	Prince	Waehner
Brown	Hinckley	Ransom	Wenzel
Calkins	Hogan	Roscoe	Whitmore

T. C. Campbell	Holmes	Russell	Willis
T. J. Campbell	W. Johnson	Sanford	Wurts
Clark	W. A. Johnson	Schenck	Yost
Coffey	Keenan	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York, also of Clyde and Seneca rivers, in counties of Wayne and Cayuga," being announced for a third reading,

Mr. Clark moved to recommit said bill to the committee on internal affairs, with instructions to make the following amendment, and report forthwith :

In section 2, strike out the words "on said lake or its tributaries in said counties," and insert the words "on any of the waters mentioned in this act."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. W. Johnson, from the committee on internal affairs, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Comstock	Kennaday	Schieffelin
Badger	Cooke	Lawrence	Schuyler
Barrow	Costigan	Lewis	Scudder
Beach	Daly	Lillybridge	Seward
Benedict	Decker	Lincoln	Slingerland
Bennett	Dessar	McAfee	Smith
Berry	Edson	McGowan	Speaker
Bishop	Ely	McGroarty	Stacy
Bordwell	Farrar	Merwin	Stauf
Bowen	Faulkner	Page	Struble
Bradley	Green	Peck	Talmage
Braman	Griffin	Petty	G. Taylor
Broas	Hanrahan	Pierson	Vosburgh
Brogan	Hepburn	Prince	Waehner
Calkins	Hess	Rich	Wenzel
T. C. Campbell	Hinckley	Roscoe	Whitmore
T. J. Campbell	Holmes	Russell	Willis
Clark	Husted	Sanford	Witbeck
Cleary	W. Johnson	Schenck	Yost
Coffey	Keenan		

Those who voted in the negative, were

Beardsley      Hogan

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Schenck, and by unanimous consent, the bill entitled "An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schieffelin
Badger	Dessar	Kshinka	Scudder
Barkley	Edson	Law	Seward
Barrow	Ely	Lawrence	Sherman
Beardsley	Farrar	Lewis	Sherwood
Bennett	Faulkner	Lillybridge	Silverman
Berry	Fay	Lincoln	Smith
Bishop	Fish	Mackin	Speaker
Bowen	Friend	McGowan	Stauf
Bradley	Gedney	McGroarty	Stephens
Braman	Green	J. W. Miller	Talmage
Brogan	Hammond	W. Miller	G. Taylor
Brown	Hanrahan	Oakley	W. F. Taylor
Burtis	Hauschel	O'Keefe	Tremain
Calkins	Hess	Page	Vedder
T. C. Campbell	Hinckley	Petty	Waehner
T. J. Campbell	Holmes	Pierson	Wenzel
Clark	Houghton	Prince	West
Coffey	Husted	Reilly	Willis
Comstock	Ives	Russell	Witbeck
Cooke	W. Johnson	Sanford	Wurts
Daggett	W. A. Johnson	Schenck	Yost
Daly	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent,

Mr. Hanrahan, from the committee on commerce and navigation, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 170, entitled "An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock," reported in favor of the passage of the same, with an amendment, which report was agreed to.

On motion of Mr. Ransom, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Kennaday,

*Resolved* (if the Senate concur), That a respectful message, be sent to his Excellency the Governor, requesting the return of Assembly bill No. 454, entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an

armory, and to provide for the sale of the same by the State," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the settlement of the claims of the city of New York against the Eighth National Bank," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 ;  
  NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schuyler
Badger	Ely	Law	Seward
Barrow	Farrar	Lawrence	Shattuck
Beach	Faulkner	Lewis	Sherman
Bennett	Fish	Lincoln	Sherwood
Berry	Friend	Mackin	Shiel
Bordwell	Gallagher	McGowan	Slingerland
Bowen	Gedney	McGroarty	Speaker
Bradley	Griffin	Merwin	Stacy
Braman	Hanrahan	W. Miller	Stephens
Brown	Hauschel	Muller	Struble
Burtis	Hess	O'Keefe	Talmage
Calkins	Hinckley	Page	W. F. Taylor
T. C. Campbell	Holmes	Petty	Tremain
T. J. Campbell	Houghton	Pierson	Vedder
Clark	Hussey	Prince	Vosburgh
Coffey	Husted	Ransom	Wellington
Comstock	W. Johnson	Reilly	Wenzel
Cooke	W. A. Johnson	Roscoe	Whitmore
Daggett	Keenan	Russell	Witbeck
Daly	Kirk	Sanford	Worth
Davis	Krack	Schieffelin	Yost
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 969 of the Laws of 1867, entitled 'An act in relation to inspection of steam boilers in the State of New York, except in the Metropolitan police district,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 11 }

Those who voted in the affirmative, were

Alvord	Edson	Lewis	Shattuck
Badger	Ely	Lillybridge	Sherman
Benedict	Farrar	Lincoln	Sherwood
Berry	Fay	McAfee	Shiel
Bishop	Green	McGowan	Slingerland
Bordwell	Griffin	Merwin	Speaker
Bradley	Hepburn	J. W. Miller	Stacy
Broas	Hess	O'Keefe	Struble
Brogan	Hinckley	Page	Talmage
Brown	Hogan	Pierson	W. F. Taylor
Burtis	Holmes	Prince	Tewksbury
Calkins	Houghton	Ransom	Tremain
T. C. Campbell	Hussey	Roscoe	Vedder
Clark	W. A. Johnson	Russell	Waehner
Cole	Kennaday	Sanford	West
Comstock	Kirk	Schenck	Whitmore
Cooke	Kshinka	Schuyler	Willis
Costigan	Law	Scudder	Witbeck
Daly	Lawson	Seward	Wurts
Decker			

Those who voted in the negative, were

Barrow	Bennett	Husted	Reilly
Beach	Cleary	Keenan	Rich
Beardsley	Coffey	Petty	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' " as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Faulkner	Lincoln	Shattuck
Badger	Fay	Mackin	Sherman
Barkley	Fish	McGowan	Shiel
Barrow	Friend	McGroarty	Slingerland
Beardsley	Green	Merwin	Smith
Benedict	Griffin	J. W. Miller	Stacy
Berry	Hanrahan	W. Miller	Stauf
Bordwell	Hauschel	Oakley	Stephens



Bradley	Hepburn	O'Keefe	Talmage
Broas	Hess	Peck	G. Taylor
Brown	Hogan	Petty	W. F. Taylor
Burtis	Holmes	Pierson	Tremain
T. C. Campbell	Husted	Prince	Vedder
T. J. Campbell	Ives	Ransom	Vosburgh
Clark	W. Johnson	Rich	Wellington
Coffey	Kennaday	Roscoe	West
Cole	Kirk	Sanford	Whitmore
Cooke	Krack	Schenck	Witbeck
Daly	Kshinka	Schieffelin	Worth
Decker	Lawrence	Scudder	Wurts
Ely	Lawson	Seward	Yost
Farrar	Lillybridge		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign to the board of education certain property to be used for school purposes," being announced for a third reading,

On motion of Mr. Hess, and by unanimous consent, said bill was amended as follows:

Section 1, line 6, strike out the word "fourth" and insert the word "third."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Badger	Dessar	Krack	Shattuck
Barrow	Edson	Kshinka	Sherwood
Beach	Farrar	Law	Shiel
Benedict	Faulkner	Lawson	Smith
Berry	Fay	Lillybridge	Speaker
Bordwell	Friend	Lincoln	Stacy
Bradley	Gallagher	McAfee	Stephens
Broas	Griffin	McGroarty	Talmage
Brown	Hammond	J. W. Miller	G. Taylor
Burtis	Hanrahan	W. Miller	Tewksbury
Calkins	Hepburn	O'Keefe	Vedder
T. C. Campbell	Hess	Page	Vosburgh
T. J. Campbell	Hinckley	Petty	Waehner
Clark	Holmes	Pierson	Wenzel
Cleary	Hussey	Prince	West
Cole	Husted	Ransom	Witbeck
Cooke	Ives	Roscoe	Worth
Costigan	W. Johnson	Russell	Wurts
Daggett	Keenan	Schenck	Yost
Daly	Kennaday	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the settlement of the floating debt of the village of Saratoga Springs, and authorizing the election of a permanent board of auditors for said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Seward
Badger	Edson	Kshinka	Sherman
Barkley	Ely	Lawrence	Sherwood
Beach	Farrar	Lawson	Silverman
Beardsley	Faulkner	Lewis	Slingerland
Bennett	Fish	Lincoln	Speaker
Berry	Friend	Mackin	Stacy
Bordwell	Gedney	McGowan	Stephens
Bradley	Green	McGroarty	Talmage
Broas	Haminond	J. W. Miller	G. Taylor
Brogan	Hanrahan	W. Miller	W. F. Taylor
Burtis	Hauschel	Oakley	Tremain
Calkins	Hess	O'Keefe	Vedder
T. C. Campbell	Hinckley	Peck	Waehner
T. J. Campbell	Hogan	Petty	Wellington
Clark	Houghton	Pope	West
Cleary	Husted	Prince	Willis
Cole	Ives	Ransom	Witbeck
Comstock	W. Johnson	Rich	Worth
Costigan	W. A. Johnson	Russell	Wurts
Daly	Kennaday	Schenck	Yost
Davis	Kirk	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to regulate proceedings against corporations by injunctions and otherwise,' passed April 7, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Griffin	McGowan	Sherman
Barkley	Hanrahan	McGroarty	Shiel
Beach	Hepburn	Merwin	Silverman
Beardsley	Hess	J. W. Miller	Smith

Bishop	Hinckley	Muller	Speaker
Bordwell	Hogan	O'Keefe	Stauf
Calkins	Houghton	Page	Struble
T. C. Campbell	Hussey	Peck	Talmage
T. J. Campbell	Ives	Petty	G. Taylor
Clark	W. Johnson	Pope	W. F. Taylor
Cole	Keenan	Prince	Tremain
Comstock	Kirk	Ransom	Vedder
Cooke	Krack	Reilly	Vosburgh
Costigan	Kshinka	Rich	Waehner
Daly	Lawrence	Russell	Wellington
Edson	Lawson	Schenck	West
Ely	Lillybridge	Schuyler	Whitmore
Farrar	Lincoln	Scudder	Wurts
Fay	Mackin	Seward	Yost
Green	McAfee		

Those who voted in the negative, were

Barrow                      Willis

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to legalize the proceedings of a town meeting held at the town-house, in the town of Watervliet, on the 13th day of April, 1875," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Shattuck
Badger	Decker	Lawrence	Sherwood
Barkley	Edson	Lewis	Shiel
Beach	Ely	Lillybridge	Slingerland
Benedict	Farrar	Mackin	Smith
Bennett	Faulkner	McAfee	Stacy
Bishop	Fish	McGroarty	Stephens
Bordwell	Friend	Merwin	Struble
Bowen	Gedney	J. W. Miller	G. Taylor
Bradley	Griffin	Muller	W. F. Taylor
Brogan	Hammond	Oakley	Tewksbury
Brown	Hauschel	Peck	Vedder
Burtis	Hess	Petty	Waehner
Calkins	Hinckley	Pope	Wellington
T. C. Campbell	Holmes	Prince	Wenzel
T. J. Campbell	Hussey	Reilly	Whitmore
Clark	Husted	Rich	Willis
Cleary	W. Johnson	Russell	Witbeck
Cole	Keenan	Sanford	Worth

Cooke  
Costigan  
Daggett

Kennaday  
Kirk  
Krack

Schieffelin  
Schuyler  
Seward

Wurts  
Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of extending the supply of water to the city and its inhabitants," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Davis	Kshinka	Shattuck
Barkley	Dessar	Law	Sherman
Barrow	Edson	Lewis	Shiel
Beach	Ely	Lillybridge	Slingerland
Beardsley	Farrar	Lincoln	Smith
Bennett	Faulkner	McAfee	Stacy
Berry	Fay	McGowan	Stauf
Bordwell	Friend	McGroarty	Struble
Bowen	Gallagher	J. W. Miller	Talmage
Braman	Green	W. Miller	W. F. Taylor
Broas	Hammond	Muller	Tewksbury
Brogan	Hanrahan	O'Keefe	Tremain
Burtis	Hauschel	Peck	Vosburgh
Calkins	Hess	Petty	Waehner
T. C. Campbell	Hinckley	Pierson	Wellington
T. J. Campbell	Holmes	Ransom	Wenzel
Clark	Hussey	Reilly	West
Cleary	Husted	Roscoe	Whitmore
Cole	Ives	Russell	Willis
Comstock	W. A. Johnson	Sanford	Worth
Costigan	Kennaday	Schieffelin	Wurts
Daggett	Kirk	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to amend the charter of the city of Troy, passed May 3, 1870, and the acts amendatory thereof," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 23, strike out the words "a salary of" and insert the words "such compensation not to exceed the sum of." Line 24, after the word "quarterly" insert the words "as the contracting board of said city shall, from time to time, fix and allow." Line 26, after the word, "board" strike out the balance of the section.

Strike out section 2 and insert the following:

"§ 2. Section 9 of title 2 of the said act is hereby amended so as to read as follows:

"§ 9. The mayor, the comptroller and the chamberlain of said city, by virtue of their office, shall be members of the commissioners of the funded debts of the city of Troy, who, together with two aldermen, to be appointed by the common council on the nomination of the mayor and two other persons, to be nominated also by the mayor and confirmed by the common council, shall constitute the board of commissioners of the funded debts of the city of Troy, and shall possess the powers and be subject to the provisions of chapter 241 of the Laws of the State of New York, passed May 25, 1841, and any acts amendatory thereof authorizing the corporation of the city of Troy to create the board of commissioners of the sinking fund of the city of Troy. Said board shall hereafter be known as the commissioners of the funded debt of the city of Troy.

"§ 3. The city of Troy is hereby authorized and empowered to purchase a suitable site in said city and to erect thereon a city hall for the use and purposes of said municipal corporation at an expense not to exceed one hundred and twenty thousand dollars. The selection and purchase of the site shall be made by, and the construction of the city hall thereon be under, the supervision, management and control of the mayor, comptroller, chamberlain, city engineer and president of the common council and their successors in office. The fifty thousand dollars heretofore realized by said city from the sale by the city of the Troy Female Seminary property in said city, and now remaining in the sinking fund of said city, with the accumulation of interest thereon, shall be first used and applied toward the purchase of such site and in the construction of said city hall. For the purpose of building said city hall it shall, after the purchase of the site, as herein provided, be lawful for said city of Troy to issue its bonds, not exceeding in the aggregate sixty-five thousand dollars, at a rate of interest not exceeding seven per cent per annum, to be negotiated at not less than par. Said bonds shall be made payable at such times, as near as may be, that one-twenty-fifth part of the whole amount shall mature and become payable in each year after the same shall have been so issued; provided, however, that under this section no money shall be expended nor any bonds issued for the purpose of building such city hall until detailed plans and specifications for said city hall shall have been made and approved by the common council of said city and by the mayor, comptroller, chamberlain, city engineer and president of the common council of said city, nor until a contract in writing for the building of said city hall in accordance with such detailed plans and specifications so approved shall have been made by the contracting board of said city with the lowest responsible bidder therefor, giving adequate security for its performance at a price which, added to the cost of the site, shall not exceed one hundred and twenty thousand dollars."

Change section 3 to section 4.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schieffelin
Barkley	Edson	Kshinka	Schuyler
Barrow	Ely	Law	Seward
Beach	Farrar	Lawrence	Shattuck
Beardsley	Faulkner	Lewis	Sherman
Benedict	Fish	Lillybridge	Sherwood
Berry	Friend	Mackin	Silverman
Bishop	Gallagher	McAfee	Smith
Bordwell	Green	McGowan	Speaker
Braman	Griffin	McGroarty	Stauf
Brown	Hammond	J. W. Miller	Stephens
Burtis	Hanrahan	W. Miller	Struble
Calkins	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hinckley	Peck	Tremain
Clark	Holmes	Petty	Vedder
Cleary	Houghton	Pope	Wahner
Coffey	Husted	Prince	Wenzel
Cole	Ives	Ransom	West
Comstock	W. Johnson	Rich	Willis
Costigan	Keenan	Roscoe	Witbeck
Daggett	Kennaday	Russell	Wurts
Daly	Kirk	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate with a message informing of concurrence in their amendments.

The bill entitled "An act to amend chapter 154 of the Laws of 1875, entitled 'An act for the preservation of fish in the waters of the Genesee river, its branches or tributaries, in the county of Allegany,'" being announced for a third reading,

On motion of Mr. Stacy, and by unanimous consent, said bill was amended as follows:

"§ 2. Section 3 of said act is hereby amended so as to read as follows:

"§ 3. Any person offending against the provisions of this act shall be liable to a penalty of ten dollars for every violation thereof, said penalty to be recovered before any justice of the peace of said county of Allegany, who shall issue his warrant for the arrest of the offender upon the complaint, duly verified, by any informer; and upon the conviction of any person violating the provisions of this act the justice shall impose a fine of ten dollars upon the offender for each and every offense, and in default of the payment thereof commit said offender to the jail of said county for a period not exceeding ten days.

"§ 3. Section 5 of said act is hereby amended so as to read as follows:

"§ 5. This act shall take effect on the 1st day of June, 1875.

"§ 4. The title of said act is hereby amended so as to read as follows: 'An act for the preservation of fish in the waters of the Genesee river, in the county of Allegany.'"

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kirk	Scudder
Badger	Davis	Krack	Seward
Barkley	Decker	Kshinka	Sherman
Barrow	Dessar	Law	Sherwood
Beach	Ely	Lawson	Silverman
Benedict	Farrar	Lewis	Slingerland
Bennett	Faulkner	Lincoln	Speaker
Berry	Fish	McAfee	Stacy
Bordwell	Friend	McGowan	Stephens
Bowen	Gedney	McGroarty	Talmage
Bradley	Griffin	J. W. Miller	W. F. Taylor
Braman	Hammond	Muller	Tewksbury
Broas	Hauschel	O'Keefe	Vedder
Brown	Hepburn	Page	Vonburgh
Burtis	Hess	Petty	Waehner
Calkins	Hogan	Pierson	Wenzel
T. C. Campbell	Holmes	Pope	West
T. J. Campbell	Hussey	Prince	Willis
Clark	Husted	Reilly	Witbeck
Cleary	Ives	Rich	Worth
Cole	W. Johnson	Russell	Wurts
Comstock	Keenan	Schenck	Yost
Costigan	Kennaday	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The hour of 2 o'clock having arrived, the House took a recess until 7½ o'clock P. M.

### HALF-PAST SEVEN O'CLOCK.

The House again met.

The Senate returned the Senate bill entitled "An act to facilitate the distribution of the property and effects of the American Tontine Life Insurance Company," with a message informing of non-concurrence in the amendments of the Assembly thereto, that they have appointed a committee of conference thereon, consisting of Messrs. Tobey, Robertson and Fox, and request a like committee on the part of the Assembly.

Mr. Husted moved that the request of the Senate be granted, and a like committee be appointed by the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Husted, Oakley, Faulkner, Calkins and W. Johnson were appointed as such committee.

The Senate returned the bill entitled "An act to authorize a tax of



thirty-five-one-hundredths of a mill per dollar of valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. There shall be paid out of the revenues of the canals for the fiscal year ending September thirty, eighteen hundred and seventy-five, the following moneys, which are hereby appropriated and applied to the objects and purposes hereinafter specified, to wit:

"For dredging the basin below the locks in the village of Whitehall and the channel across Kenyon's bay, below Whitehall, the sum of ten thousand dollars, or so much thereof as may be necessary, the work to be done under the direction of the commissioner in charge of the eastern division of the canals.

"For the return to contractors of the amount of their deposits, not now available, the sum of ten thousand dollars or so much thereof as may be necessary.

"For the payment of interest to E. H. French, or his assigns, on an amount as adjusted by the Canal Board under chapter eight hundred and seventy-nine of the Laws of eighteen hundred and seventy-one, and also under chapter eight hundred and fifty of the Laws of eighteen hundred and seventy-two, the sum of seventeen hundred and forty-eight dollars and twenty-two cents.

"For the payment of interest on a judgment rendered on the twenty-ninth day of April, eighteen hundred and seventy-three, by the supreme court of the State of New York, Honorable W. L. Learned presiding, in favor of Myron H. Mills and against G. A. Dayton, Auditor of the Canal Department, the sum of six hundred dollars, or so much thereof as may be necessary.

"The sum of two thousand dollars to Stephen C. Rathbone for bridge across the Champlain canal near its junction with Wood creek, in the town of Whitehall; provided the Canal Board shall upon examination find that the State is legally or equitably bound to build said bridge and not otherwise, and before the said sum shall be paid the Canal Commissioners shall require and place on file in their office full and sufficient release, legally executed, of all claims against the State, and release from any obligations to hereafter maintain a bridge over the canal on the farm of said Rathbone.

"EASTERN DIVISION.

"For constructing iron bridge superstructures on the eastern division, made necessary in consequence of change of plans, the sum of forty thousand dollars.

"For the construction of an aqueduct at West Troy for dry river, in addition to amount already appropriated, the sum of fourteen thousand dollars.

"For building protection wall at Lansingburgh, between Vail and Thomas streets, to resist the encroachments of the river caused by diversion of waters of Mohawk river for canal purposes, the additional sum of ten thousand dollars.

"For improvement of Rocky-rift feeder, the sum of ten thousand dollars.

"For maintenance of reservoirs, and roads leading to them for Black river canal feeder of Erie canal, the sum of ten thousand dollars.

“For completing the crib-work and apron, and rebuilding the State dam across the Hudson river at Troy, the work to be done under the commissioner in charge, the sum of twenty-five thousand dollars.

“For constructing retaining walls for the White street bridge, Cohoes, the sum of two thousand dollars.

“The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the removal of wall benches, and building slope walls on the Erie canal in the city of Utica, rendered necessary in consequence of the abandonment made by Henry D. Dennison, said work to be paid for on the certificate of the commissioner and engineer in charge.

“In addition to appropriations made in the year eighteen hundred and seventy-three and eighteen hundred and seventy-four, for constructing and maintaining a highway bridge over the Erie canal in the town of Watervliet, in the county of Albany, from the Ireland Corners' road, on the west side of said canal, to Island Park, on the east side of said canal, and for the completion of approaches and vertical wall, the sum of four thousand dollars, or so much thereof as may be necessary; provided, that before the said sum shall be paid the Canal Commissioner in charge of the eastern division shall require and place on file in their office full and sufficient release, legally executed, of all claims against the State from land or other damages, and release from any obligations to hereafter maintain said bridge.

“For the construction of two iron pipe sewers under the Erie canal in the city of Utica, at or near the lines of State and First streets, said sewers to be of sufficient capacity to carry off the sewage of said city, now discharged into the Erie canal, the sum of five thousand dollars; provided that the city of Utica shall build said sewers under the direction of the Canal Commissioner in charge of the eastern division, and that the cost of said sewers in excess of the sum of five thousand dollars shall be paid by the city of Utica, without recourse to the State.

“The third subdivision of the third section of the act entitled ‘An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year one thousand eight hundred and seventy-four, for the construction of new work upon and extraordinary repairs of the canals of this State,’ is hereby amended to read as follows:

“For rebuilding Glens Falls feeder, so as to prevent leaks through the lime-stone rocks, and to fill the seams and openings therein, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to be done under the direction of the commissioner in charge.

“MIDDLE DIVISION.

“For rebuilding dam and bulkhead at the head of the Oneida creek feeder, Erie canal, the sum of five thousand six hundred dollars, or so much thereof as may be necessary.

“For rebuilding dam and bulkhead at the head of the Limestone creek feeder near Fayetteville, Erie canal, the sum of three thousand five hundred dollars, or so much thereof as may be necessary.

“For rebuilding feeder dam and bulkhead in the Skaneateles creek in the village of Jordan, Erie canal, the sum of one thousand six hundred dollars, or so much thereof as may be necessary.

“For repairing and putting in a condition of safety the following named reservoirs located upon the middle division, whose waters are used as feeders to the Erie canal, viz: Eaton and Bradley brooks,

Hatch's lake, Kingsley brook, Madison brook, Leland's and Woodmans' ponds, Erieville and De Ruyter, the sum of thirty thousand dollars, or so much thereof as may be necessary.

"For repairing and protecting the aprons of the stone dams upon the Oswego river, the sum of thirty-eight thousand dollars, or so much thereof as may be necessary. The above work for rebuilding dam and bulkhead at the head of the Oneida creek feeder, for rebuilding feeder dam and bulkhead in the Skaneateles creek in the village of Jordan, Erie canal; for repairing the following reservoirs: Eaton and Bradley brooks, Hatch's lake, Kingsley brook, Madison brook, Leland's and Woodman's ponds, Erieville and Du Ruyter; and for repairing and protecting the aprons of the stone dams on the Oswego river, shall be done under the direction of the Canal Board, if, upon examination, the same shall be found to be necessary.

"To pay Betz and Nestor for piling berme bank of the Cayuga and Seneca canal at Geneva, the sum of nine hundred dollars, or so much thereof as may be necessary, to be audited by the commissioner in charge.

"For rebuilding with iron the bridge over Crooked lake canal near guard lock in the village of Penn Yan, the sum of two thousand five hundred dollars, or so much thereof as may be necessary.

"To pay for work done in completing the Jamesville reservoir on Butternut creek in excess of any appropriations therefor, the sum of three thousand dollars, or so much thereof as may be necessary.

"To pay for constructing swing and foot bridges over the Erie canal at Salina street, in the city of Syracuse, authorized by chapter three hundred and eighty-one of the Laws of eighteen hundred and seventy-four, and now under contract, the sum of twenty thousand dollars, or so much thereof as may be necessary.

"For constructing abutments and foot bridge over the Cayuga and Seneca canal near Mud lock, the sum of one thousand dollars, or so much thereof as may be necessary.

"For raising and widening the east approach of Genesee street bridge in the village of Geddes, the sum of one thousand dollars, or so much thereof as may be necessary.

"For the payment of fees of counsel and witnesses on the part of the State in trials before the Canal Appraisers and Canal Board and Board of Canal Commissioners, in claims arising from the middle division, the sum of five thousand dollars; such counsel fees to be audited by the Canal Board and paid by draft of the Canal Commissioner of the middle division on the Auditor of the Canal Department. The fees of witnesses in cases before the Canal Appraisers, shall be paid on certificate of Canal Appraisers.

"To pay the draft of William W. Wright, late Canal Commissioner, on the Auditor of the Canal Department in favor of C. L. McAlpine, resident engineer, for extra expenses and services performed under the direction of said Wright and other members of the Canal Board, the sum of six hundred and three dollars.

#### "WESTERN DIVISION.

"For raising banks of old canal at Holly, the sum of one thousand dollars.

"For clearing out, improving and deepening the canal an average of six inches below established grade from wide-water, west of tow-path

change bridge, to the east end of Genesee river aqueduct, in the city of Rochester, the sum of five thousand dollars.

"For raising the banks of the Genesee river feeder, to prevent flood waters of the river from overflowing the same, the sum of fifteen thousand dollars.

"For inserting Heath's plan of tumble-gates in old locks on this division, as may be deemed advisable by the Canal Board, the sum of nine thousand dollars.

"For inserting iron needle-beams in the present iron bridges on this division, where deemed advisable by the Canal Board, the sum of seven thousand five hundred dollars.

"For payment in full for vertical wall constructed in March and April, eighteen hundred and seventy-two, on berme side of Erie canal, west of Holly stop-gate, as per engineer's affidavit, the sum of one thousand and fifteen dollars and forty-three cents.

"For bridges over State ditch at Tonawanda, the sum of two thousand five hundred dollars.

"The authorities of the city of Rochester are hereby authorized and allowed to construct a culvert under the Erie canal, in the city of Rochester; provided that the said city of Rochester shall build said culvert under the direction of the Canal Commissioner in charge of the western division, and that the cost of said culvert shall be paid by the city of Rochester without cost to the State.

"It is expressly declared that the appropriations made by this act shall not be construed, nor in anywise understood to sanction, authorize, or in any manner legalize any action or proceeding of the Canal Board or Canal Commissioners, affecting any of the objects herein provided for, unless such action or proceeding has been sanctioned or authorized by law.

"And no part of the sums herein appropriated shall be expended on the Chenango, Chemung, Crooked Lake, Genesee Valley or Black River canals, except so far as the same may be necessary to maintain them as feeders to the Erie canal, except for rebuilding with iron the bridge over Crooked Lake canal near guard-lock, in the village of Penn Yan, the sum of two thousand five hundred dollars."

Amend the title so as to read "An act to authorize the construction of work upon the canals of this State."

Mr. Page moved to non-concur in said amendments, and that a committee of conference be appointed thereon, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Page, Davis, Hogan, Alvord and W. Miller were appointed such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the resolution in relation to the rates of tolls to be established on the canals for the current year, with a message informing of concurrence in the passage of the same.

By unanimous consent,

Mr. McGroarty, from the committee on affairs of cities, to which was referred the Senate bill, Int. No. 154, entitled "An act to regulate remedies against assessments in the city of Brooklyn," reported in favor of

the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. McGroarty, from the sub-committee of the whole, submitted a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 160.)

Mr. Alvord called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek.' With the following amendments:

Strike out the word "are," in line 6 of section 1, and insert the word "is." Strike out in line 18 of same section, the words "hereinafter provided," and insert the words "in the following manner."

Strike out all of section 2, and change subsequent sections to correspond.

Strike out in line 1 of section 2, as renumbered, the word "company" and insert the word "board." Strike out line 6 of same section the words "the company" and insert the words "said board." Strike out all after the words "that the," in line 7 of same section, down to and including the word "described," in line 16, and the words "land necessary for straightening, widening and improving said creek, have been surveyed and a map thereof has been made, which said survey or map has been signed by said board, and duly filed in the office of the county clerk of Westchester county, that the land described." Strike out in lines 17 and 18 of same section, the words "constructing or operating the proposed road," and insert the words "making said improvement." Strike out of line 18 the word "company" and insert the words "said board." Strike out in line 26 of same section, the word "company" and insert the words "said board." Strike out in line 47 of same section the word "company" and insert the words "said board."

Strike out of line 8 of section 3, the words "or some adjoining county." Strike out in line 12 of same section, the word "company" and insert the words "said improvement."

Strike out in line 13 of section 4, as renumbered, the word "company" and insert the words "said board." Strike out of lines 17 and 18 of same section, the words "railroad or the construction of the proposed improvement connected with such road," and insert the word "improvement." Strike out all of said section after the word "fees," in line 24.

Strike out of line 1 of section 5, as renumbered, the words "the company" and insert the word "they." Strike out the word "company," in line 9 of same section, and insert the words "said board."

Strike out of line 5 of section 6, as renumbered, the word "company" and insert the words "said board." Strike out of line 7 of same section, the words "of its incorporation during the continuance of its corporate existence," and insert the word "aforesaid."

Insert after the word "be" in line 9 of same section the word "forever."

Strike out of lines 10 and 11 of same section the words "during the corporate existence of the company as aforesaid," and insert the words "taken by said board." Strike out of lines 12 and 13 of same section



the words "of its incorporation" and insert the word "aforesaid." Strike out of line 24 of same section the words "the company" and insert the words "said board." Strike out of line 26 of same section the words "to the company" and insert the words "to said board."

Strike out of line 3 of section 7 as renumbered the word "company," and insert the words "said board."

Strike out of line 2, section 12, as renumbered, the words "to any railroad company founded under this act," also, in line 3 the words "of their road" and insert the word "aforesaid." Strike out of line 4 of same section the words "such company" and insert the words "said board." Strike out of line 6 of same section the words "any company" and insert the words "said board."

Strike out of lines 1 and 2 of section 13, as renumbered, the words "any company formed under this act," and insert the words "said board." Strike out in said line 2 the words "its incorporation" and insert the words "such improvement." Strike out of line 7 of same section the words "such company," and insert the words "said board." Strike out of line 8, same section, the words "of its incorporation" and insert the word "aforesaid."

"An act in relation to proof of wills."

Senate, "An act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure founded thereon."

Senate, "An act to repeal section 3 of chapter 130 of Laws of 1870, being an act authorizing the town of Friendship to raise moneys by tax in aid of Friendship Academy."

"An act to amend title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards.'" With the following amendment:

Section 1, line 1, strike out the word "said" and insert the words "title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards.'"

"An act to authorize corporations to reduce their capital stock."

Senate, "An act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same."

Senate, "An act to amend an act entitled 'An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal Church in the diocese of Western New York,' passed March 26, 1863."

Senate, "An act to amend an act entitled 'An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church,' passed April 14, 1869."

Senate, "An act to further amend an act entitled 'An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines,' passed April 12, 1852."

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act for the relief and support of the poor of the county of Kings," reported in favor of the passage of the same, with the following amendment:

Amend the title so as to read "An act relating to the powers and

duties of the board of commissioners of charities of the county of Kings."

Mr. Burtis moved to refer said bill to the committee on affairs of cities.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of said committee, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

By unanimous consent, Mr. Hammond introduced a bill entitled "An act to provide ways and means for the support of government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Kennaday, Int. No. 1070, entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the supreme court and to the election of a judge of the court of common pleas in and for the city and county of New York,'" reported in favor of the passage of the same, with amendments, which report was agreed to.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered engrossed and to a third reading.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 221, entitled "An act providing for the appointment of trustees of the estates of persons absenting themselves from their domicils in this State and remaining unheard of or suddenly disappearing," reported in favor of the passage of the same, with amendments, which report was agreed to.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Sherwood, Int. No. 879, entitled "An act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building and a lock-up thereon, and furnish the same," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Shiel, Int. No. 1052, entitled "An act to extend and continue Webster avenue through Woodlawn Cemetery, in the twenty-fourth ward of the city of New York," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Parmenter, Int. No. 286, entitled "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855," reported in favor of the passage of



the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. McGowan introduced a bill entitled "An act explaining section 1 of chapter 251 of the Laws of 1875, entitled 'An act for the support and maintaining of persons confined upon civil process,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGowan, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

Mr. Speaker announced the special order, being the bills entitled as follows:

Senate, "An act in relation to the State prisons and penitentiaries of the State."

Senate, "An act in relation to the county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia."

The House then resolved itself into a committee of the whole on said bills.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ives, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Sherman, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Seward
Barkley	Dicker	W. A. Johnson	Shattuck
Beach	Dessar	Krack	Sherman
Beardsley	Edson	Kshinka	Shiel
Benedict	Ely	Law	Slingerland
Bishop	Farrar	Lewis	Smith
Bowen	Fay	Lincoln	Speaker
Bradley	Fish	McGowan	Stauf
Brogan	Friend	McGroarty	Struble
Burtis	Gallagher	Merwin	Talmage
Calkins	Green	Page	G. Taylor
T. C. Campbell	Griffin	Petty	W. F. Taylor
T. J. Campbell	Hanrahan	Ransom	Tremain
Cleary	Hepburn	Reilly	Vedder
Cole	Hogan	Rich	Waehner
Comstock	Holmes	Schenck	Wenzel
Cooke	Houghton	Schiefflin	West
Costigan	Husted	Schuyler	Witbeck
Daggett	Ives	Scudder	Yost

Those who voted in the negative, were

Berry	Wellington	Whitmore	Wurts
Clark			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Ives, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Alvord moved that the committee of the whole be discharged from the further consideration of said bill, and to substitute therefor the Senate bill entitled "An act in relation to the county treasurer of Monroe county," and that the same be ordered to a third reading.

Mr. Hammond moved to amend by making the same applicable to Ontario county.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hammond, and it was determined in the negative.

{ AYES 44 }  
{ NOES 48 }

Those who voted in the affirmative, were

Beach	Edson	Kshinka	Shattuck
Brown	Friend	McGowan	Sherman
T. C. Campbell	Griffin	McGroarty	Shiel
T. J. Campbell	Hammond	Merwin	Silverman
Cleary	Hogan	Oakley	Speaker
Coffey	Holmes	Page	Stauf
Cole	Ives	Reilly	Stephens
Cooke	W. Johnson	Rich	G. Taylor
Costigan	Keenan	Schenck	Waehner
Daly	Kennaday	Schieffelin	Wenzel
Dessar	Krack	Schuyler	Witbeck

Those who voted in the negative, were

Alvord	Fay	Lewis	Slingerland
Beardsley	Fish	Lillybridge	Stacy
Bishop	Gallagher	Lincoln	Struble
Bordwell	Green	McAfee	W. F. Taylor
Bowen	Hepburn	Peck	Tewksbury
Braman	Hess	Petty	Tremain
Calkins	Hinckley	Prince	Vedder
Clark	Houghton	Ransom	Wellington
Comstock	Hussey	Russell	West
Daggett	Husted	Scudder	Whitmore
Decker	W. A. Johnson	Seward	Willis
Farrar	Law	Sherwood	Yost

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

On motion of Mr. G. Taylor, and by unanimous consent, said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Farrar	Krack	Slingerland
Beach	Fay	Lawson	Smith
Bishop	Fish	Lewis	Speaker
Bordwell	Friend	Lincoln	Stacy
Bowen	Gallagher	McAfee	Stauf
Braman	Green	McGowan	Stephens
Brogan	Griffin	Merwin	Struble
Brown	Hammond	Page	G. Taylor
Calkins	Hepburn	Peck	W. F. Taylor
T. C. Campbell	Hess	Petty	Tremain
T. J. Campbell	Hinckley	Reilly	Vosburgh
Cleary	Hogan	Rich	Waehner
Coffey	Holmes	Schenck	Wellington
Cole	Houghton	Schieffelin	Wenzel
Comstock	Hussey	Scudder	West
Cooke	Husted	Seward	Whitmore
Costigan	Ives	Shattuck	Willis
Daggett	W. Johnson	Sherman	Witbeck
Daly	W. A. Johnson	Shiel	Wurts
Decker	Keenan	Silverman	Yost
Dessar	Kennaday		

Those who voted in the negative, were

Beardsley      Ransom

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to extend or enlarge the powers of the trustees of the village of Wilson, in the county of Niagara."

"An act in relation to the powers and duties of the department of public parks of the city of New York."

"An act to release the interest of the State of New York in certain real estate in the city of Albany of which William Wilcox died seized."

"An act to provide for the improvement of streets, roads and avenues in the city of New York."

"An act to fix the compensation of certain officers in the city and county of New York."

The Senate returned the resolution recalling from the Governor for amendment the bill entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The bill entitled "An act to extend the powers of the trustees of the

village of Wilson, in the county of Niagara," being announced for a third reading,

On motion of Mr. Bordwell, and by unanimous consent, said bill was amended as follows:

Strike out lines 1, 2 and 3 of section 1, and insert the following:

"SECTION 1. In addition to the powers now conferred by law, the trustees of the village of Wilson shall have power."

Make sections 1 to 15, inclusive, subdivisions 1 to 15 of section 1.

Line 1, subdivision 12, strike out the words "The board of trustees shall have power," and make "to" "To."

Line 1, subdivisions 13 and 14, strike out the words "The trustees shall have power," and make "to" "To."

Line 1, subdivision 15, strike out the words "The trustees shall have power."

Page 5, engrossed bill, strike out all after the word "released," to and including page 13, and insert the following:

"The board of trustees shall have the right to acquire title to the same, in the manner and by the special proceedings prescribed as follows:

"For the purpose of acquiring such title, the said trustees may present a petition, praying for the appointment of commissioners of appraisal, to the supreme court, at any general or special term thereof held in the district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which the trustees seek to acquire, the names and places of residence of the parties, so far as the same can, by reasonable diligence, be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate; and if any such persons are infants, their ages, as near as may be, must be stated; and if any of such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on said real estate as the company may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the supreme court, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court:

"1. If the person on whom such service is to be made resides in this State, and is not an infant, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid, with some person of suitable age.

"2. If the person on whom such service is to be made resides out of the State, and has an agent residing in this State authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent, or on such person personally out of the State; or it may be made by publishing the notice, stating briefly the object of the application, and giving a description of the land to be taken in the State paper, and in a paper printed in the county in which the land to be taken is situated, once in each week for one month next previous to the presentation of the petition.

"3. If any person on whom such service is to be made is under the

age of twenty-one years, and resides in this State, such service shall be made as aforesaid on his general guardian; or, if he has no such guardian, then on such infant personally, if he is over the age of fourteen years; and if under that age, then on the person who has the care of or with whom such infant resides.

" 4. If the person on whom such service is to be made is an idiot, or of unsound mind, and resides in this State, such service may be made on the committee of his person or estate; or if he has no such committee, then on the person who has the care and charge of such idiot or person of unsound mind.

" 5. If the person on whom service is to be made is unknown, or his residence is unknown and cannot by reasonable diligence be ascertained, then such service may be made under the direction of the court by publishing a notice stating the time and place the petition will be presented and the object thereof, with a description of the land to be affected by the proceedings, in the State paper, and in a paper printed in Niagara county once in each week for one month previous to the presentation of such petition.

" 6. In case any party to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings; but if a general guardian or committee has been appointed for such person in this State, it shall be the duty of such general guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind, and the court may require such security to be given by such general or special guardian or committee as it may deem necessary to protect the rights of such infant, idiot, or person of unsound mind; and all notices required to be served in the progress of the proceedings may be served on such general or special guardian or committee.

" 7. In all cases not herein otherwise provided for, service of orders, notices, and other papers in the special proceedings authorized by this act, may be made as the supreme court shall direct.

" On presenting such petition to the supreme court, as aforesaid, with proof of service of a copy thereof and a notice as aforesaid, all or any of the persons whose estates or interests are to be affected by the proceedings may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, who reside in the county or some adjoining county, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the trustees, and to fix the time and place for the first meeting of the commissioners.

" The commissioners shall take and subscribe the oath prescribed by the twelfth article of the Constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties interested, or their agent or attorney. They shall view the premises described in the petition, and hear

the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony in such case is closed, they or a majority of them, all being present, shall without any unnecessary delay, and before proceeding to the examination of any other claim, ascertain and determine the compensation which ought justly to be made by the trustees to the owners or persons interested in the real estate appraised by them; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the construction of the proposed improvement. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. The said commissioners shall make a report of their proceedings to the supreme court, with the minutes of the testimony taken by them, if any; and they shall be entitled to five dollars for services and expenses for each day they are actually engaged in the performance of their duties, to be paid by the trustees, except where the owners or persons interested in the real estate fail to have awarded them more than the amount of compensation offered them by the trustees before the appointment of commissioners, then to be paid by the said owners or persons interested, or if not paid by them, to be paid by the trustees and deducted from the amount awarded.

“On such report being made by said commissioners, the trustees shall give notice to the parties, or their attorneys, to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof, for the confirmation of such report; and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid, or in what bank and in what manner it shall be deposited by the trustees.

“A certified copy of the order so to be made as aforesaid, shall be recorded at full length in the clerk's office of the county in which the land described in it is situated; and thereupon, and on the payment or deposit by the trustees of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, the said land shall vest in said village; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate.

“Within twenty days after the confirmation of the report of the commissioners, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given, according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners, in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made by the trustees is increased by the second report, the difference shall be



a lien on the land appraised, and shall be paid by the trustees to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded to the trustees by the party to whom the same may have been paid; and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such trustees of the land appraised, and when the same is made by others than the trustees, it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

"If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into said court by the trustees, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

"The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; and also to appoint other commissioners in place of any who shall die, or refuse, or neglect to serve, or be incapable of serving.

"If at any time, after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the trustees may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made."

"When any proceedings of appraisal shall have been commenced, no change of ownership by voluntary conveyance or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal, shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made."

Make "§ 20" "§ 4," and change remaining sections to correspond.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Daly	W. Johnson	Russell
Barkley	Decker	W. A. Johnson	Schenck
Beach	Dessar	Kennaday	Seward
Beardsley	Edson	Krack	Shattuck
Berry	Farrar	Law	Sherwood
Bishop	Fay	Lawson	Shiel
Bordwell	Fish	Lewis	Silverman



Bowen	Friend	Lillybridge	Slingerland
Braman	Gallagher	Lincoln	Smith
Brogan	Green	McAfee	Stephens
Brown	Hanrahan	McGowan	W. F. Taylor
Calkins	Hess	Merwin	Tewksbury
T. J. Campbell	Hinckley	Oakley	Waehner
Clark	Hogan	Peck	Wellington
Coffey	Holmes	Petty	Wenzel
Comstock	Houghton	Prince	West
Cooke	Hussey	Reilly	Willis
Costigan	Husted	Rich	Witbeck
Daggett	Ives	Roscoe	Yost

Those who voted in the negative, were

Hammond	Schieffelin	Tremain
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*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the preservation of fish in the River St. Lawrence,' passed June 12, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Friend	Mackin	Shiel
Barkley	Gallagher	McGowan	Silverman
Beach	Green	Merwin	Smith
Berry	Hammond	J. W. Miller	Stacy
Bishop	Hauschel	Muller	Stauf
Bordwell	Hess	Oakley	Struble
Bowen	Hinckley	Page	Talmage
Braman	Holmes	Peck	G. Taylor
Calkins	Houghton	Pierson	Tewksbury
T. J. Campbell	Hussey	Pope	Tremain
Cleary	Ives	Prince	Vosburgh
Coffey	W. Johnson	Reilly	Waehner
Cole	W. A. Johnson	Rich	Wenzel
Cooke	Kirk	Russell	West
Daly	Krack	Schenck	Whitmore
Decker	Kshinka	Schieffelin	Witbeck
Edson	Lawson	Scudder	Worth
Ely	Lewis	Shattuck	Wurts
Farrar	Lincoln	Sherwood	Yost
Fay			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Taylor, and by unanimous consent,

*Resolved,* That the committee of the whole be discharged from the

further consideration of the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," and that the same be ordered to a third reading.

The bill entitled "An act authorizing the State Homœopathic Medical Society to change the time for holding annual, regular or special meetings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lewis	Sherman
Barkley	Faulkner	Lincoln	Sherwood
Barrow	Fish	Mackin	Shiel
Benedict	Friend	McGowan	Slingerland
Bennett	Gallagher	McGroarty	Smith
Berry	Green	J. W. Miller	Stacy
Bordwell	Hammond	W. Miller	Stauf
Braman	Hanrahan	Muller	Struble
Brown	Hepburn	Page	G. Taylor
Calkins	Hess	Peck	W. F. Taylor
T. C. Campbell	Hogan	Petty	Tewksbury
T. J. Campbell	Hussey	Pope	Tremain
Clark	Husted	Prince	Vosburgh
Cleary	Ives	Ransom	Waehner
Coffey	W. Johnson	Rich	Wenzel
Comstock	W. A. Johnson	Russell	Whitmore
Costigan	Kirk	Schenck	Willis
Daly	Krack	Schieffelin	Witbeck
Decker	Kshinka	Scudder	Worth
Dessar	Law	Seward	Yost
Ely			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," being announced for a third reading,

On motion of Mr. Beardsley, and by unanimous consent, said bill was amended as follows:

Section 1, line 38, strike out the word "June" and insert the word "July."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Seward
Barkley	Farrar	Lawrence	Shattuck
Beach	Faulkner	Lewis	Sherman
Beardsley	Fay	Lincoln	Shiel
Bennett	Friend	Mackin	Silverman
Berry	Gallagher	McGowan	Smith
Bordwell	Green	McGroarty	Speaker
Braman	Griffin	Merwin	Stauf
Broas	Hanrahan	J. W. Miller	Struble
Brown	Hanschel	Muller	Talmage
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinokley	Page	Tewksbury
T. J. Campbell	Hogan	Peck	Vedder
Clark	Hussey	Pierson	Vosburgh
Cleary	Husted	Prince	Wellington
Cole	Ives	Ransom	West
Cooke	W. Johnson	Rich	Whitmore
Costigan	W. A. Johnson	Roscoe	Witbeck
Daly	Kirk	Sanford	Worth
Decker	Krack	Schieffelin	Wurts
Dessar	Kshinka	Schuyler	Yost
Edson			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relating to fares for carrying passengers on street railroads in the city of Buffalo," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Seward
Barkley	Farrar	Lewis	Shattuck
Beach	Fay	Lillybridge	Sherman
Beardsley	Fish	Mackin	Shiel
Bennett	Friend	McGowan	Silverman
Berry	Gallagher	McGroarty	Smith
Bordwell	Gedney	J. W. Miller	Speaker
Braman	Griffin	W. Miller	Stauf
Brown	Hammond	Oakley	Struble
Calkins	Hanrahan	O'Keefe	Talmage
T. C. Campbell	Hepburn	Peck	G. Taylor
T. J. Campbell	Hess	Petty	Tewksbury
Clark	Houghton	Pierson	Tremain
Cleary	Hussey	Pope	Vosburgh
Cole	Husted	Ransom	Wellington

Cooke	Ives	Reilly	Wenzel
Costigan	W. Johnson	Roscoe	Whitmore
Daly	Keenan	Sanford	Willis
Decker	Kirk	Schenck	Worth
Dessar	Krack	Schuyler	Wurts
Edson	Kshinka	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Seward
Barkley	Dessar	Keenan	Sherman
Beardsley	Edson	Krack	Shiel
Berry	Ely	Lawson	Slingerland
Bordwell	Farrar	Lillybridge	Smith
Braman	Faulkner	Lincoln	Stacy
Brogan	Fish	McAfee	Stephens
Burtis	Friend	McGowan	W. F. Taylor
Calkins	Gallagher	McGroarty	Tewksbury
T. C. Campbell	Green	O'Keefe	Vosburgh
T. J. Campbell	Griffin	Page	Waehner
Clark	Hess	Peck	Wenzel
Coffey	Hogan	Ransom	West
Cole	Holmes	Rich	Willis
Comstock	Houghton	Roscoe	Witbeck
Cooke	Hussey	Schenck	Wurts
Daggett	Husted	Scudder	Yost
Daly	W. Johnson		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The bill entitled "An act to amend chapter 40 of the Laws of 1872, entitled 'An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water,' and supplementary thereto," being announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Section 5, line 74, change the words "three dollars" to "one dollar." Line 77, change the word "six" to "two." Line 79, change the words "five dollars" to "one dollar."

Section 6, line 19, strike out the words "water tax on vacant lots" and insert the words "amendment to water act." Lines 20 and 21,

strike out the words "water tax on vacant lots" and insert the words "amendment to water act."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawson	Seward
Barkley	Ely	Lewis	Shattuck
Beach	Farrar	Lincoln	Sherwood
Beardsley	Fay	Mackin	Shiel
Bennett	Fish	McGowan	Slingerland
Berry	Friend	McGroarty	Speaker
Bordwell	Gallagher	J. W. Miller	Stacy
Braman	Green	W. Miller	Stephens
Brogan	Hanrahan	Oakley	Struble
Burtis	Hauschel	O'Keefe	G. Taylor
Calkins	Hess	Page	W. F. Taylor
T. C. Campbell	Hinckley	Petty	Tewksbury
T. J. Campbell	Holmes	Pierson	Vedder
Clark	Hussey	Pope	Vosburgh
Cleary	Husted	Ransom	Waehner
Cole	Ives	Reilly	Wenzel
Comstock	W. Johnson	Roscoe	West
Cooke	W. A. Johnson	Russell	Witbeck
Daggett	Kirk	Sanford	Worth
Daly	Krack	Schieffelin	Wurts
Decker	Kshinka	Schuyler	Yost
Dessar	Law	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Waehner moved to reconsider the vote by which the bill entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," was lost, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 48 }  
{ NOES 44 }

Those who voted in the affirmative, were

Barkley	Dessar	Kennaday	Schieffelin
Beardsley	Edson	Krack	Shattuck
Bennett	Ely	Kshinka	Shiel
Brogan	Gallagher	Lawson	Smith
Brown	Griffin	McGowan	Stauf
T. C. Campbell	Hammond	McGroarty	Stephens
T. J. Campbell	Hanrahan	Oakley	G. Taylor
Coffey	Hess	Page	Vosburgh
Cole	Hogan	Ransom	Waehner

Cooke	Ives	Reilly	Wenzel
Costigan	W. Johnson	Rich	Witbeck
Daly	Keenan	Schenck	Wurts

Those who voted in the negative, were

Alvord	Fay	Lincoln	Sherman
Beach	Friend	McAfee	Sherwood
Berry	Green	Merwin	Slingerland
Bishop	Hepburn	Peck	Stacy
Bordwell	Holmes	Petty	Struble
Calkins	Houghton	Prince	W. F. Taylor
Clark	Hussey	Roscoe	Tewksbury
Comstock	Husted	Russell	Wellington
Daggett	W. A. Johnson	Schuyler	West
Decker	Law	Soudder	Whitmore
Farrar	Lillybridge	Seward	Willis

On motion of Mr. Waehner, at 9 o'clock and 55 minutes, the House adjourned.

## THURSDAY, MAY 13, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of the reconsideration of the vote on the final passage of the bills recalled from the Governor hereinafter named, and of the passage of the same as amended by the Assembly:

"An act to amend chapter 729 of the Laws of 1871, entitled 'An act authorizing the board of supervisors of the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county.'"

"An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof."

"An act to amend chapter 54 of the Laws of 1871, entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire.'"

"An act to consolidate the Albany City Dispensary with the Albany City Homœopathic Hospital."

"An act to amend chapter 795 of the Laws of 1872, entitled 'An act authorizing the formation of a separate road district in the county of Essex.'"

"An act for the preservation of fish in any of the waters in Clinton county, except Lake Champlain."

"An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its charter.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes."

"An act to authorize the settlement of the claims of the city of New York against the Eighth National Bank."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bills entitled as follows:

"An act to authorize the taking of certain lands in the city of Buffalo, for the purpose of the continuation of Fillmore avenue from its present southerly termination to the westerly line of the Hamburg turnpike, and for improving and embellishing the same."

"An act to require the Canal Board to investigate, consider and report upon the disposition to be made of the lateral canals."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

"An act relative to taxation and appropriations in the city of New York, and to provide for the payment of the costs of the Fourth avenue improvement from revenue bonds to be paid from taxation in 1876 instead of 1875, and to reduce the tax levy of 1875 accordingly," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to enable incorporated parishes of the Protestant Episcopal Church in the diocese of Central New York to make certain transfers of their real and personal estate."

"An act to amend chapter 675 of the Laws of 1872, entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat.'"

*Ordered*, That the Clerk return said bills to the Senate.

By unanimous consent, Mr. Costigan introduced a bill entitled "An act to authorize the coroners of the county of New York to employ a stenographer in certain cases," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Costigan, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. T. C. Campbell, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,'" and the same ordered engrossed and to a third reading.

On motion of Mr. Shiel, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to regulate the price of and the quality of gas used in



the city of Yonkers, in the county of Westchester," and the same ordered to a third reading.

The bill entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Krack	Seward
Badger	Daly	Law	Shattuck
Barkley	Davis	Lewis	Sherman
Barrow	Decker	Lillybridge	Sherwood
Beach	Farrar	Lincoln	Shiel
Bennett	Friend	McGowan	Silverman
Berry	Green	Oakley	Slingerland
Bishop	Griffin	Page	Struble
Bordwell	Hammond	Peck	Talmage
Bowen	Hanrahan	Petty	W. F. Taylor
Brogan	Hauschel	Pierson	Tewksbury
Calkins	Hepburn	Prince	Vosburgh
T. C. Campbell	Hogan	Ransom	Waehner
T. J. Campbell	Holmes	Reilly	Wellington
Clark	Hussey	Roscoe	Whitmore
Coffey	Ives	Schenck	Willis
Comstock	W. A. Johnson	Schieffelin	Witbeck
Cooke	Kennaday	Schuyler	Yost
Costigan	Kirk	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Hepburn introduced a bill entitled "An act to legalize and confirm the official acts and proceedings of Edson Potter, Harvey P. Potter, Benjamin F. Reed and William Horton, as constables in the town of Colton, county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hepburn, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Prince introduced a bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The bill entitled "An act to incorporate the Great Council of the Improved Order of Red Men of the State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Decker	W. A. Johnson	Reilly
Barkley	Edson	Kennaday	Rich
Beach	Ely	Kirk	Russell
Bennett	Farrar	Krack	Schenck
Berry	Fay	Kshinka	Seward
Bishop	Friend	Law	Shiel
Bordwell	Green	Lewis	Slingerland
Bowen	Griffin	Lillybridge	Speaker
Brogan	Hanrahan	Lincoln	Talmage
Callins	Hauschel	McGowan	Tewksbury
T. C. Campbell	Hepburn	McGroarty	Vosburgh
T. J. Campbell	Hess	Oakley	Wellington
Coffey	Hinckley	Page	Wenzel
Comstock	Hogan	Petty	Whitmore
Cooke	Holmes	Pierson	Witbeck
Daggett	Houghton	Prince	Wurts
Daly	Ives	Ransom	

Those who voted in the negative, were

Clark	Schieffelin	Sherman	Sherwood
Gedney			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the apportionment of rents, annuities, dividends and other payments," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 74 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Scudder
Badger	Decker	Law	Sherman
Barkley	Dessar	Lewis	Sherwood
Beach	Edson	Lillybridge	Shiel
Beardsley	Ely	Lincoln	Smith
Bennett	Farrar	McGowan	Speaker
Berry	Fish	McGroarty	Struble
Bishop	Friend	Oakley	Talmage
Bordwell	Gedney	Page	W. F. Taylor
Bowen	Green	Petty	Tewksbury
Braman	Griffin	Pierson	Vosburgh

Brogan	Hanrahan	Pope	Wachner
Calkins	Hauschel	Prince	Wellington
T. C. Campbell	Hepburn	Ransom	Wenzel
T. J. Campbell	Hogan	Rich	Willis
Clark	Hussey	Schenck	Witbeck
Coffey	Ives	Schieffelin	Wurts
Comstock	W. A. Johnson	Schuyler	Yost
Cooke	Kirk		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lewis	Seward
Badger	Farrar	Lillybridge	Shattuck
Beardsley	Fay	Lincoln	Sherwood
Bennett	Fish	McGowan	Silverman
Berry	Friend	McGroarty	Slingerland
Bordwell	Gedney	Muller	Smith
Braman	Griffin	Oakley	Speaker
Broas	Hammond	Page	Stephens
Calkins	Hanrahan	Peck	Struble
T. C. Campbell	Hepburn	Petty	Talmage
T. J. Campbell	Hess	Pierson	W. F. Taylor
Clark	Hinckley	Pope	Vedder
Coffey	Houghton	Ransom	Vosburgh
Comstock	Husted	Reilly	Wachner
Cooke	Ives	Roscoe	Wenzel
Costigan	W. A. Johnson	Russell	West
Daly	Kirk	Sanford	Willis
Davis	Krack	Schieffelin	Witbeck
Edson	Law	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," being announced for a third reading,

On motion of Mr. T. J. Campbell, and by unanimous consent, said bill was amended as follows:

Add to commencement of section 1 the following:

"SECTION 1. The following section shall be added to chapter 319 of

the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.' "

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 94 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Scudder
Badger	Edson	Krack	Seward
Barkley	Ely	Kshinka	Shattuck
Barrow	Farrar	Law	Sherman
Beach	Fay	Lawrence	Sherwood
Beardsley	Fish	Lewis	Slingerland
Bennett	Friend	Lillybridge	Smith
Berry	Gallagher	Lincoln	Speaker
Bordwell	Griffin	McGowan	Stephens
Bowen	Hammond	McGroarty	Struble
Braman	Hanrahan	Merwin	Talmage
Brown	Hauschel	J. W. Miller	G. Taylor
Calkins	Hepburn	Oakley	W. F. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Peck	Vosburgh
Clark	Hogan	Petty	Waehner
Cleary	Holmes	Pierson	Wenzel
Coffey	Houghton	Pope	West
Comstock	Hussey	Ransom	Whitmore
Cooke	Husted	Rich	Willis
Costigan	Ives	Russell	Witbeck
Daly	W. A. Johnson	Schenck	Wurts
Davis	Keenan	Schuyler	Yost
Decker	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street in the city of Brooklyn,' " being announced for a third reading,

On motion of Mr. Talmage, and by unanimous consent, said bill was amended as follows:

Amend section 1, line 3, by striking out all after the word "amended" in that line and inserting in lieu thereof the words "so as to read as follows."

Insert the following before the word "and" first occurring in line 4:

"§ 6. The said widened street and avenue shall be laid out according to a plan to be devised or adopted by the said park commissioners; the sidewalks thereof which are contiguous to the said park shall be thirty feet wide, and the opposite sidewalk shall be twenty feet wide; and seven feet in width of said opposite sidewalk adjoining the lots facing on said street and avenue may be used for court yard or areas within which to erect porches or stoops to houses, provided the occupants will

inclose such court yards or areas with good and sufficient iron or picket fences not exceeding five feet high. The said street and avenue shall also be paved, curbed and guttered in such manner as the said park commissioners shall direct; and the said commissioners may plant the same with suitable shade trees on both sides thereof, and construct such carriage ways and walks, and make use of such materials of construction or pavements as they shall deem best."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Sherman
Badger	Edson	Krack	Sherwood
Barkley	Ely	Law	Shiel
Barrow	Farrar	Lewis	Slingerland
Beach	Fay	Lillybridge	Smith
Berry	Fish	Lincoln	Speaker
Bishop	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Struble
Braman	Gedney	Oakley	Talmage
Brown	Griffin	Page	G. Taylor
Calkins	Hanrahan	Peck	W. F. Taylor
T. C. Campbell	Hauschel	Petty	Tewksbury
T. J. Campbell	Hepburn	Pierson	Tremain
Clark	Hess	Pope	Waehner
Cleary	Hinckley	Reilly	Wellington
Coffey	Hogan	Roscoe	Wenzel
Comstock	Holmes	Russell	West
Cooke	Husted	Schenck	Whitmore
Costigan	Ives	Schuyler	Witbeck
Daggett	W. A. Johnson	Seward	Wurts
Daly	Kennaday	Shattuck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act passed April 17, 1866, entitled 'An act for the appointment of commissioners of records for the county of Kings,'" being announced for a third reading,

On motion of Mr. McGroarty, and by unanimous consent, said bill was amended as follows:

Section 1, engrossed bill, strike out the words "Teunis G. Bergen, John P. Rolfe and Abraham Lot are hereby appointed," and insert the words "the county clerk, surrogate and county treasurer of Kings county shall appoint three persons at." Line 8, same section, strike out the word "the" and insert the word "said." Line 15, after the word "they" insert the words "the said commissioners." Lines 22 and 23, same section, strike out the words "unless the consent of the board of

supervisors shall have been first obtained therefor," and insert the words "beyond the sum of \$50,000 any year, unless the consent of the board of supervisors shall have been first obtained therefor." Line 41, strike out the words "board of supervisors" and insert the words "county clerk, surrogate and county treasurer." Line 42, after the word "county" insert the words "or a majority of them."

Section 2, line 5, after the word "dollars" insert the words "per annum." At the end of line 6 insert the word "quarterly." Line 15, after the word "act" insert the words "subject, however, to the restrictions contained in the first section hereof."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Seward
Badger	Ely	Lewis	Shattuck
Barkley	Farrar	Lincoln	Sherman
Beach	Fay	McGowan	Sherwood
Benedict	Fish	McGroarty	Silverman
Bennett	Friend	Muller	Slingerland
Berry	Green	Oakley	Speaker
Bordwell	Hauschel	O'Keefe	Stauf
Braman	Hepburn	Page	Struble
Calkins	Hess	Peck	Talmage
T. C. Campbell	Hinckley	Petty	G. Taylor
T. J. Campbell	Hogan	Pierson	W. F. Taylor
Clark	Hussey	Prince	Tremain
Cleary	Husted	Ransom	Waehner
Comstock	Ives	Rich	Wenzel
Cooke	W. A. Johnson	Russell	West
Costigan	Kennaday	Sanford	Witbeck
Daly	Kirk	Schenck	Worth
Decker	Krack	Schuyler	Wurts
Dessar	Law	Scudder	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 331 of the Laws of 1857, entitled 'An act to make the office of supervisor of Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lewis	Sherman
Badger	Edson	Lillybridge	Sherwood
Barkley	Ely	Lincoln	Shiel
Beardsley	Farrar	Mackin	Silverman
Bennett	Friend	McGowan	Smith
Berry	Gedney	McGroarty	Speaker
Bordwell	Griffin	Muller	Stauf
Braman	Hammond	Oakley	Struble
Brogan	Hauschel	O'Keefe	G. Taylor
Brown	Hepburn	Page	W. F. Taylor
Calkins	Hess	Petty	Tremain
T. C. Campbell	Hogan	Pierson	Vedder
T. J. Campbell	Houghton	Prince	Waehner
Clark	Husted	Ransom	Wellington
Cleary	Ives	Rich	Wenzel
Coffey	W. A. Johnson	Russell	Whitmore
Comstock	Kennaday	Sanford	Witbeck
Costigan	Kirk	Schenck	Worth
Daggett	Krack	Schuyler	Wurts
Daly	Law	Seward	Yost
Decker	Lawrence		

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable John L. Ireland to acquire title to a portion of South Fifth avenue in the city of New York, and to discontinue that portion of said avenue," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Shattuck
Badger	Edson	Lawrence	Sherwood
Barkley	Ely	Lewis	Shiel
Barrow	Farrar	Lillybridge	Silverman
Beach	Fay	Mackin	Smith
Benedict	Fish	McGowan	Speaker
Bennett	Friend	McGroarty	Stauf
Berry	Gedney	Merwin	Stephens
Bordwell	Griffin	Muller	Talmage
Braman	Hammond	Oakley	G. Taylor
Brown	Hanrahan	Page	Tewksbury
Calkins	Hauschel	Peck	Tremain
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner



Clark	Holmes	Prince	Wenzel
Cleary	Hussey	Ransom	West
Coffey	Husted	Rich	Willis
Comstock	Ives	Russell	Witbeck
Cooke	W. A. Johnson	Schenck	Worth
Costigan	Keenan	Schieffelin	Wurts
Daly	Kirk	Scudder	Yost
Decker	Krack	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Badger	Ely	Lawrence	Shattuck
Barrow	Farrar	Lawson	Sherman
Beach	Fay	Lillybridge	Shiel
Benedict	Fish	Mackin	Silverman
Bennett	Friend	McAfee	Smith
Bishop	Gallagher	McGowan	Speaker
Bordwell	Gedney	McGroarty	Stauf
Bradley	Griffin	J. W. Miller	Struble
Brogan	Hammond	Muller	Talmage
Brown	Hauschel	O'Keefe	G. Taylor
Burtis	Hess	Peck	Tewksbury
Calkins	Hinckley	Petty	Vedder
T. C. Campbell	Hogan	Pierson	Vosburgh
T. J. Campbell	Houghton	Pope	Wellington
Clark	Hussey	Ransom	Wenzel
Coffey	Ives	Reilly	West
Cole	W. Johnson	Roscoe	Willis
Comstock	W. A. Johnson	Russell	Witbeck
Costigan	Kennaday	Sanford	Worth
Daggett	Kirk	Schieffelin	Wurts
Davis	Krack	Schuyler	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 455 of the Laws of 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Scudder
Badger	Dessar	Law	Seward
Barkley	Edson	Lawrence	Sherman
Beach	Ely	Lewis	Shiel
Beardsley	Farrar	Lillybridge	Slingerland
Bennett	Friend	Mackin	Speaker
Berry	Gallagher	McAfee	Stauf
Bordwell	Gedney	McGroarty	Stephens
Bradley	Griffin	Merwin	Talmage
Braman	Hanrahan	J. W. Miller	G. Taylor
Brogan	Hepburn	Muller	Tewksbury
Burtis	Hess	O'Keefe	Vedder
Calkins	Hinckley	Peck	Waehner
T. C. Campbell	Holmes	Petty	Wellington
T. J. Campbell	Hussey	Pope	West
Clark	Husted	Prince	Whitmore
Coffey	W. Johnson	Ransom	Witbeck
Cole	W. A. Johnson	Rich	Worth
Cooke	Kennaday	Roscoe	Wurts
Costigan	Kirk	Sanford	Yost
Daly			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the confinement of convicts in the county penitentiaries of this State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Seward
Badger	Edson	Kshinka	Sherman
Barrow	Ely	Lawrence	Shiel
Beardsley	Farrar	Lewis	Silverman
Benedict	Fay	Lillybridge	Smith
Bennett	Fish	Mackin	Speaker
Berry	Friend	McAfee	Stephens
Bordwell	Gallagher	McGowan	Talmage
Braman	Griffin	McGroarty	G. Taylor
Broas	Hanrahan	J. W. Miller	W. F. Taylor
Brown	Hauschel	W. Miller	Tremain

Burtis	Hess	Oakley	Vedder
Calkins	Hinckley	O'Keefe	Waehner
T. C. Campbell	Hogan	Peck	Wellington
T. J. Campbell	Holmes	Pierson	West
Clark	Hussey	Prince	Whitmore
Coffey	Husted	Ransom	Willis
Cole	Ives	Rich	Witbeck
Cooke	W. Johnson	Russell	Worth
Costigan	W. A. Johnson	Schenck	Wurts
Daly	Kennaday	Schieffelin	Yost
Davis	Kirk	Sudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confer upon the trustees of the incorporated villages of this State, power to restrain and regulate the construction of wooden buildings, and to cause the removal or repair of unsafe walls, chimneys and other structures," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 67 }  
{ NOES 11 }

Those who voted in the affirmative, were

Alvord	Clark	Hogan	Page
Barkley	Coffey	Houghton	Petty
Barrow	Cole	Husted	Prince
Beach	Comstock	Ives	Reilly
Beardsley	Costigan	W. Johnson	Schenck
Benedict	Daggett	W. A. Johnson	Schieffelin
Bennett	Daly	Keenan	Schuyler
Berry	Edson	Kennaday	Seward
Bishop	Ely	Kshinka	Shiel
Bordwell	Farrar	Lewis	Silverman
Bradley	Fay	Lincoln	Slingerland
Braman	Friend	Mackin	Smith
Brogan	Green	McAfee	Stacy
Brown	Griffin	McGowan	Stephens
Burtis	Hanrahan	McGroarty	Vosburgh
Calkins	Hauschel	Merwin	Yost
T. C. Campbell	Hinckley	Muller	

Those who voted in the negative, were

Badger	Holmes	Tewksbury	Witbeck
Gedney	Pierson	Tremain	Wurts
Hepburn	Sherwood	Whitmore	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act relating to the powers and duties of the board of commissioners of charities of the county of Kings."

"An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek.'"

"An act in relation to the proof of wills."

"An act to amend title 6, chapter 20, part 1, of the Revised Statutes, entitled 'Of the support of bastards.'"

"An act to authorize corporations to reduce their capital stock."

"An act explaining section 1 of chapter 251 of the Laws of 1875, entitled 'An act for the support and maintenance of prisoners confined upon civil process.'"

Mr. Comstock moved to take from the table the motion to reconsider the vote by which the Senate bill entitled "An act to amend an act entitled 'An act to regulate the size of apple, pear and potato barrels,' passed May 12, 1862," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schieffelin
Badger	Edson	Law	Seward
Barkley	Ely	Lewis	Shattuck
Barrow	Farrar	Lillybridge	Sherwood
Beardsley	Fay	Mackin	Shiel
Benedict	Fish	McAfee	Silverman
Berry	Friend	McGowan	Smith
Bordwell	Gedney	Merwin	Speaker
Bradley	Griffin	J. W. Miller	Stauf
Broas	Hanrahan	W. Miller	Stephens
Brown	Hauschel	Oakley	Talmage
Burtis	Hepburn	O'Keefe	G. Taylor
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Hogan	Petty	Tremain
T. J. Campbell	Holmes	Pierson	Waehner
Clark	Hussey	Pope	Wellington
Cleary	Husted	Prince	West
Cole	Ives	Reilly	Willis
Comstock	W. Johnson	Rich	Witbeck
Costigan	W. A. Johnson	Russell	Worth
Daggett	Keenan	Sanford	Wurts
Davis	Krack	Schenck	Yost

On motion of Mr. Comstock, and by unanimous consent, said bill was amended by striking out section 3, and inserting in lieu thereof the following :

"§ 3. This act shall take effect on the first day of January, eighteen hundred and seventy-six."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Comstock	Ives	Schenck
Badger	Costigan	W. Johnson	Schuyler
Barkley	Daggett	W. A. Johnson	Seward
Barrow	Daly	Keenan	Sherman
Beach	Decker	Kennaday	Sherwood
Beardsley	Edson	Kirk	Shiel
Benedict	Ely	Law	Silverman
Berry	Farrar	Lawson	Slingerland
Bishop	Fay	Lillybridge	Smith
Bordwell	Fish	Lincoln	Speaker
Bowen	Friend	Mackin	Stacy
Bradley	Gedney	McAfee	Stephens
Braman	Green	McGowan	G. Taylor
Broas	Griffin	Merwin	W. F. Taylor
Brogan	Hanrahan	Muller	Tremain
Brown	Hauschel	Oakley	Vosburgh
Burtis	Hepburn	O'Keefe	Wellington
Calkins	Hinckley	Petty	Whitmore
T. C. Campbell	Houghton	Ransom	Willis
Clark	Hussey	Reilly	Wurts
Coffey	Husted	Russell	Yost

Those who voted in the negative, were

Holmes                      Pierson                      Tewksbury

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

Mr. Vosburgh moved to take from the table the motion to reconsider the vote by which the bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rensselaer Bridge Company," was lost.

Mr. Witbeck raised the point of order, that a motion to reconsider cannot now be made under rule 44.

Mr. Speaker decided the point of order well taken.

The bill entitled "An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester," being announced for a third reading,

• On motion of Mr. Husted, and by unanimous consent, said bill was amended as follows:

Add at end of section 1 the following:

"If at any such election two-thirds in number of the said proprietors shall not in person vote thereat, then the trustees to be chosen shall be

elected and chosen by the existing trustees, or a majority of them, and the said trustees of the Dale Cemetery Association shall in all cases hold their places until their successors are elected and qualified; and if for any reason the election shall not be held and made on the day for that purpose appointed, then the same may be held and made on such day, not exceeding sixty days thereafter, as may be appointed by the then existing board of trustees."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Shattuck
Badger	Ely	Lewis	Sherman
Barrow	Farrar	Lillybridge	Sherwood
Beardsley	Fay	Mackin	Silverman
Benedict	Fish	McAfee	Slingerland
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	Merwin	Stacy
Bordwell	Green	J. W. Miller	Stephens
Bradley	Hammond	Muller	Struble
Braman	Hanrahan	Oakley	Talmage
Brogan	Hauschel	O'Keefe	G. Taylor
Burtis	Hess	Peck	Tewksbury
Calkins	Hinckley	Petty	Tremain
T. C. Campbell	Holmes	Pope	Vosburgh
T. J. Campbell	Houghton	Prince	Waehner
Clark	Husted	Reilly	Wenzel
Coffey	Ives	Rich	West
Cole	W. Johnson	Russell	Whitmore
Cooke	Keenan	Sanford	Witbeck
Costigan	Kennaday	Schenck	Worth
Daly	Kirk	Schuyler	Wurts
Davis	Krack	Scudder	Yost
Dessar	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to further amend chapter 674 of the Laws of 1870, entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874," being announced for a third reading,

On motion of Mr. Stephens, and by unanimous consent, said bill was amended as follows:

Section 4, line 4, page 3, strike out the word "first" and insert the word "second." Line 9, same section, strike out the word "first" and insert the word "second."

Section 5, lines 3 and 4, strike out the words "first Tuesday of May" and insert the words "first Tuesday of June."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord.	Dessar	Krack	Schuyler
Badger	Edson	Law	Scudder
Barkley	Ely	Lawrence	Shattuck
Beach	Faulkner	Lawson	Sherman
Benedict	Fay	Lillybridge	Silverman
Bennett	Fish	Lincoln	Smith
Bishop	Friend	McAfee	Speaker
Bowen	Gallagher	McGowan	Stauf
Bradley	Gedney	McGroarty	Struble
Broas	Griffin	J. W. Miller	Talmage
Brogan	Hammond	W. Miller	G. Taylor
Burtis	Hanrahan	Oakley	W. F. Taylor
Calkins	Hepburn	O'Keefe	Vedder
T. C. Campbell	Hinckley	Peck	Vosburgh
T. J. Campbell	Holmes	Petty	Wellington
Clark	Hussey	Pope	West
Coffey	Husted	Prince	Whitmore
Cole	Ives	Reilly	Willis
Cooke	W. Johnson	Rich	Witbeck
Costigan	Keenan	Russell	Worth
Daly	Kennaday	Sanford	Wurts
Davis	Kirk	Schieffelin	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release to the heirs-at-law and devisees of William Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Badger	Dessar	Krack	Shattuck
Barkley	Edson	Law	Sherman
Beach	Ely	Lawrence	Sherwood
Beardsley	Farrar	Lawson	Shiel



Benedict	Fay	Lillybridge	Silverman
Berry	Fish	Lincoln	Smith
Bishop	Friend	McAfee	Speaker
Bordwell	Gallagher	McGowan	Stauf
Bradley	Gedney	McGroarty	Stephens
Brogan	Griffin	J. W. Miller	Struble
Brown	Hammond	Muller	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	Tewksbury
T. C. Campbell	Hess	Peck	Tremain
T. J. Campbell	Hogan	Petty	Vosburgh
Clark	Holmes	Pierson	Waehner
Coffey	Houghton	Pope	Wenzel
Cole	Husted	Ransom	West
Cooke	Ives	Reilly	Witbeck
Costigan	W. Johnson	Rich	Worth
Daggett	W. A. Johnson	Russell	Wurts
Daly	Kennaday	Sanford	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release to Susan Grant the right, title and interest of the people of the State of New York in and to certain real estate in the city of Rochester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Davis	Law	Scudder
Barkley	Dessar	Lawrence	Seward
Beach	Edson	Lewis	Sherman
Beardsley	Ely	Lillybridge	Shiel
Bennett	Farrar	Lincoln	Silverman
Berry	Fay	Mackin	Smith
Bordwell	Fish	McGowan	Stacy
Bowen	Friend	McGroarty	Stephens
Bradley	Gallagher	Merwin	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Brogan	Hammond	Oakley	Tewksbury
Brown	Hauschel	O'Keefe	Vedder
Burtis	Hepburn	Page	Vosburgh
Calkins	Hess	Petty	Waehner
T. C. Campbell	Hogan	Pierson	Wenzel
T. J. Campbell	Holmes	Prince	West
Clark	Hussey	Reilly	Willis
Cleary	Husted	Rich	Witbeck
Cole	Ives	Russell	Worth
Comstock	W. Johnson	Sanford	Wurts
Cooke	Keenan	Schenck	Yost
Daggett	Kennaday		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Vosburgh gave notice that he would at some future day move to suspend the 44th and 51st rules, in order that the vote by which the bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rensselaer Bridge Company," was lost, may be reconsidered.

Mr. Mackin offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Assembly bill No. 464, entitled "An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town, and of the debts thereof," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Costigan offered for the consideration of the House a resolution, in the words following:

*Resolved*, That 7,500 copies of the Governor's message on the affairs of cities, recently communicated to the Legislature, be printed, one-third for the use of the Executive, and the remainder for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

The bill entitled "An act further to amend chapter 833 of the Laws of 1873, entitled 'An act to regulate the fees of coroners,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schieffelin
Barkley	Ely	Law	Schuyler
Barrow	Farrar	Lawson	Scudder
Benedict	Fay	Lewis	Shattuck
Bennett	Fish	Lillybridge	Sherman
Berry	Friend	Mackin	Shiel
Bishop	Gallagher	McAfee	Silverman
Bowen	Green	McGowan	Smith
Braman	Griffin	McGroarty	Speaker
Brogan	Hanrahan	Merwin	Stauf
Brown	Hauschel	J. W. Miller	Struble
Burtis	Hess	Muller	Talmage
Calkins	Hinckley	Oakley	G. Taylor
T. C. Campbell	Holmes	Page	Tewksbury
T. J. Campbell	Houghton	Peck	Vedder

Clark	Hussey	Petty	Waehner
Cleary	Husted	Pierson	Wenzel
Cole	Ives	Pope	Whitmore
Comstock	W. Johnson	Prince	Willis
Cooke	W. A. Johnson	Reilly	Witbeck
Costigan	Kennaday	Rich	Worth
Daly	Kirk	Russell	Wurts
Decker	Krack	Schenck	Yost
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to provide for a free bridge across the outlet of Lake Saratoga, and the laying out, constructing and grading the avenues or approaches thereto, and the extinguishment of all rights, title and interest of the stockholders in the present toll-bridge over said outlet, near Moose lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The bill entitled "An act to amend the charter of the village of Avon," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawson	Shattuck
Badger	Dessar	Lillybridge	Sherwood
Barkley	Edson	Lincoln	Shiel
Beach	Farrar	Mackin	Slingerland
Benedict	Faulkner	McGowan	Smith
Bennett	Fay	McGroarty	Speaker
Bishop	Friend	Merwin	Stauf
Bordwell	Gedney	W. Miller	Struble
Bradley	Griffin	Muller	G. Taylor
Braman	Hanrahan	O'Keefe	Tewksbury
Brogan	Hauschel	Page	Tremain
Burtis	Hess	Petty	Vosburgh
Calkins	Hinckley	Pierson	Wellington
T. C. Campbell	Holmes	Prince	Wenzel
T. J. Campbell	Hussey	Ransom	West
Clark	Ives	Reilly	Whitmore
Coffey	W. Johnson	Rich	Willis
Cole	W. A. Johnson	Russell	Witbeck
Comstock	Kennaday	Sanford	Worth
Costigan	Kirk	Schieffelin	Wurts
Daggett	Krack	Schuyler	Yost
Davis	Law	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Lewis	Shattuck
Barkley	Fay	Lillybridge	Sherman
Barrow	Fish	Mackin	Shiel
Bennett	Friend	McAfee	Silverman
Berry	Gallagher	McGowan	Slingerland
Bishop	Gedney	McGroarty	Speaker
Bordwell	Griffin	Merwin	Stauf
Bowen	Hammond	J. W. Miller	Struble
Bradley	Hanrahan	Muller	Talmage
Braman	Hauschel	O'Keefe	G. Taylor
Brown	Hess	Page	Tewksbury
Calkins	Hinckley	Peck	Tremain
T. J. Campbell	Hogan	Petty	Vosburgh
Coffey	Holmes	Pierson	Waehner
Comstock	Houghton	Ransom	Wenzel
Cooke	Ives	Reilly	Whitmore
Costigan	Keenan	Roscoe	Willis
Daggett	Kennaday	Sanford	Witbeck
Daly	Kirk	Schieffelin	Worth
Decker	Krack	Schuyler	Wurts
Edson	Law	Seward	Yost
Ely	Lawrence		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Kirk moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to dispose of the surplus lands known as the Seamen's Retreat, in the county of Richmond, and for the payment of the debt of the Seamen's Fund and Retreat of the city of New York," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to reconsider the vote by which said bill was lost, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**MAY 13.]**

**1563**

**{ AYES 76 }**  
**{ NOES 8 }**

**Those who voted in the affirmative, were**

Badger	Daly	Kennaday	Roscoe
Barrow	Dessar	Kirk	Scudder
Benedict	Edson	Kshinka	Seward
Berry	Ely	Law	Shattuck
Bishop	Farrar	Lawrence	Sherman
Bordwell	Fay	Lewis	Sherwood
Bradley	Gallagher	Lillybridge	Shiel
Braman	Gedney	Lincoln	Silverman
Brown	Green	Mackin	Smith
Burtis	Hammond	McAfee	Stacy
Calkins	Hanrahan	McGowan	Talmage
T. C. Campbell	Hauschel	McGroarty	W. F. Taylor
T. J. Campbell	Hinckley	Merwin	Tewksbury
Cleary	Hogan	Muller	Wenzel
Coffey	Holmes	O'Keefe	West
Cole	Houghton	Page	Whitmore
Cooke	Ives	Petty	Witbeck
Costigan	W. Johnson	Pierson	Wurts
Daggett	Keenan	Prince	Yost

**Those who voted in the negative, were**

Alvord	Decker	Russell	Vedder
Clark	W. A. Johnson	Sanford	Willis

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 88 }**  
**{ NOES 6 }**

**Those who voted in the affirmative, were**

Badger	Daggett	Krack	Scudder
Barkley	Dessar	Kshinka	Seward
Barrow	Edson	Law	Shattuck
Beardsley	Ely	Lawrence	Sherman
Benedict	Farrar	Lawson	Sherwood
Berry	Fay	Lewis	Shiel
Bishop	Friend	Lillybridge	Silverman
Bordwell	Gallagher	Lincoln	Smith
Bowen	Gedney	Mackin	Speaker
Bradley	Green	McAfee	Stacy
Braman	Hammond	McGowan	Talmage
Broas	Hanrahan	McGroarty	G. Taylor
Brown	Hauschel	Merwin	W. F. Taylor
Burtis	Hess	Muller	Tewksbury
Calkins	Hinckley	O'Keefe	Tremain
T. C. Campbell	Hogan	Page	Vosburgh
T. J. Campbell	Holmes	Petty	Wenzel

Cleary	Houghton	Pierson	West
Coffey	Ives	Prince	Whitmore
Cole	Keenan	Reilly	Witbeck
Cooke	Kennaday	Rich	Wurts
Costigan	Kirk	Roscoe	Yost

Those who voted in the negative, were

Alvord	Decker	Wellington	Willis
Clark	Russell		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to a joint resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State."

Mr. Kennaday moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Krack	Scudder
Badger	Decker	Kshinka	Shattuck
Barkley	Dessar	Law	Sherman
Barrow	Edson	Lewis	Shiel
Berry	Ely	Lincoln	Speaker
Bishop	Farrar	Mackin	Stacy
Bordwell	Fay	McAfee	Talmage
Bowen	Friend	McGowan	G. Taylor
Bradley	Gedney	McGroarty	W. F. Taylor
Broas	Green	Merwin	Tewksbury
Brogan	Hanrahan	Muller	Tremain
Brown	Hinckley	Oakley	Vedder
Calkins	Hogan	Page	Vosburgh
T. C. Campbell	Holmes	Peck	Wellington
T. J. Campbell	Houghton	Petty	West
Clark	Husted	Reilly	Whitmore
Cleary	Ives	Rich	Willis
Coffey	W. Johnson	Russell	Witbeck
Comstock	Keenan	Schieffelin	Yost
Cooke	Kennaday		

On motion of Mr. Kennaday, and by unanimous consent, said bill was amended as follows:

Amend section 4 by striking out on line 3 the word "two-thirds" and inserting in lieu thereof the word "majority."

Amend section 5 by striking out all after the word "Kings" on line 5. Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Schieffelin
Badger	Dessar	Krack	Scudder
Barkley	Edson	Kshinka	Seward
Beach	Ely	Law	Sherman
Beardsley	Farrar	Lewis	Sherwood
Benedict	Fay	Lincoln	Shiel
Berry	Friend	Mackin	Slingerland
Bishop	Gedney	McAfee	Smith
Bordwell	Green	McGowan	Speaker
Bradley	Hanrahan	McGroarty	Stacy
Broas	Hauschel	Merwin	Talmage
Brogan	Hess	Oakley	G. Taylor
Brown	Hinckley	O'Keefe	W. F. Taylor
Calkins	Hogan	Page	Vosburgh
T. C. Campbell	Holmes	Peck	Wenzel
T. J. Campbell	Houghton	Petty	West
Clark	Hussey	Pierson	Whitmore
Coffey	Husted	Ransom	Willis
Comstock	Ives	Rich	Witbeck
Cooke	W. Johnson	Russell	Wurts
Costigan	W. A. Johnson	Schenck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate and request their concurrence therein, as amended.

Mr. McGowan moved to take from the table the motion to reconsider the vote by which the bill entitled "An act supplementary to and amendatory of chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to reconsider the vote by which said bill was lost, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Cleary	Houghton	Ransom
Badger	Coffey	Husted	Reilly
Barkley	Cole	W. Johnson	Schieffelin
Barrow	Comstock	Keenan	Schuyler
Beach	Cooke	Kennaday	Seward



Benedict	Costigan	Kirk	Shiel
Bennett	Daggett	Krack	Slingerland
Berry	Daly	Kshinka	Smith
Bishop	Dessar	Lawrence	Speaker
Bordwell	Edson	Mackin	Talmage
Bowen	Farrar	McAfee	G. Taylor
Bradley	Fay	McGowan	Tremain
Braman	Friend	McGroarty	Vosburgh
Broas	Gallagher	Merwin	Waehner
Brogan	Hammond	Muller	West
Brown	Hanrahan	Oakley	Whitmore
Calkins	Hauschel	O'Keefe	Willis
T. C. Campbell	Hess	Page	Witbeck
T. J. Campbell	Hogan	Peck	Wurts.
Clark	Holmes	Petty	Yost

Those who voted in the negative, were

Gedney                      Lincoln                      Scudder

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Cooke	Ives	Seward
Badger	Costigan	W. Johnson	Sherman
Beach	Daggett	Keenan	Sherwood
Benedict	Davis	Kirk	Shiel
Bennett	Decker	Krack	Silverman
Bishop	Dessar	Kshinka	Slingerland
Bowen	Edson	Law	Smith
Bradley	Farrar	Lawrence	Speaker
Braman	Fay	Lawson	Stacy
Broas	Fish	Mackin	Stauf
Brown	Friend	McGowan	G. Taylor
Burtis	Gedney	Merwin	Tewksbury
Calkins	Hammond	Muller	Tremain
T. C. Campbell	Hanrahan	Oakley	Vosburgh
T. J. Campbell	Hess	Page	Waehner
Clark	Hogan	Petty	West
Cleary	Holmes	Reilly	Whitmore
Coffey	Houghton	Roscoe	Willis
Cole	Hussey	Schieffelin	Witbeck
Comstock	Husted	Schuyler	Yost

For the negative,

Lincoln

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 590 of the Laws of 1872, entitled 'An act to regulate processions and parades in the cities of the State of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 43 }  
{ NOES 54 }

Those who voted in the affirmative, were

Alvord	Coffey	Ives	Schenck
Barrow	Cole	Keenan	Shiel
Beach	Costigan	Kirk	Silverman
Bennett	Daly	Kshinka	Smith
Bradley	Dessar	Lawson	Speaker
Braman	Edson	Lewis	Stauf
Brogan	Gallagher	McGowan	Talmage
Brown	Hanrahan	McGroarty	G. Taylor
T. C. Campbell	Hauschel	Muller	Waehner
T. J. Campbell	Hess	Ransom	Wenzel
Cleary	Hogan	Reilly	

Those who voted in the negative, were

Badger	Ely	Mackin	Shattuck
Barkley	Farrar	McAfee	Sherwood
Benedict	Friend	Merwin	Slingerland
Bishop	Gedney	Page	Stacy
Bordwell	Green	Peck	W. F. Taylor
Bowen	Hammond	Petty	Tewksbury
Broas	Hinckley	Pierson	Tremain
Burtis	Holmes	Roscoe	Vedder
Calkins	Houghton	Russell	West
Clark	Hussey	Schieffelin	Whitmore
Comstock	Husted	Schuyler	Willis
Cooke	Law	Scudder	Witbeck
Daggett	Lawrence	Seward	Yost
Decker	Lillybridge		

The bill entitled "An act to amend chapter 9, title 14, part 1 of the Revised Statutes, relative to the United States deposit fund," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 48 }  
{ NOES 45 }

Those who voted in the affirmative, were

Alvord	Fay	Kirk	Pierson
Badger	Friend	Law	Scudder
Barrow	Gallagher	Lawrence	Sherwood

Bishop	Gedney	Lawson	Shiel
Bordwell	Green	Lewis	Silverman
Bowen	Hammond	Lillybridge	Slingerland
Calkins	Hepburn	Lincoln	W. F. Taylor
T. J. Campbell	Hinckley	Mackin	Tewksbury
Clark	Hogan	McAfee	Tremain
Comstock	Holmes	Merwin	Wellington
Cooke	Hussey	Muller	Whitmore
Decker	Husted	Peck	Willis

Those who voted in the negative, were

Beach	Edson	McGroarty	Sherman
Berry	Ely	Oakley	Smith
Bradley	Farrar	Page	Stacy
Braman	Fish	Petty	Stauf
Broas	Hanrahan	Ransom	Talmage
Brogan	Hauschel	Reilly	G. Taylor
Brown	Hess	Russell	Vedder
T. C. Campbell	Ives	Schieffelin	Waehner
Cleary	Keenan	Schuyler	Wenzel
Coffey	Krack	Seward	Wurts
Costigan	Kshinka	Shattuck	Yost
Dessar			

Mr. Barrow moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to release the interest of the State of New York in certain real estate in the city of Albany of which William Wilcox died seized," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Sherman
Badger	Ely	Lawson	Sherwood
Barkley	Farrar	Lewis	Shiel
Beach	Faulkner	Lillybridge	Slingerland
Beardsley	Fay	Mackin	Smith
Bennett	Fish	McAfee	Speaker
Berry	Gallagher	McGowan	Stauf
Bishop	Gedney	McGroarty	Stephens
Bordwell	Griffin	J. W. Miller	Talmage
Braman	Hammond	W. Miller	G. Taylor
Brogan	Hauschel	Oakley	Tewksbury
Brown	Hepburn	Page	Vedder
Calkins	Hinckley	Peck	Vosburgh
T. C. Campbell	Hogan	Pierson	Waehner
T. J. Campbell	Houghton	Pope	Wellington

Clark	Hussey	Prince	Wenzel
Cleary	Ives	Reilly	West
Cole	W. Johnson	Roscoe	Willis
Comstock	W. A. Johnson	Sanford	Witbeck
Cooke	Kennaday	Schieffelin	Worth
Daggett	Krack	Schuyler	Wurts
Davis	Kshinka	Seward	Yost
Decker	Law	Shattuck	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, two-thirds of all the members elected to the Assembly not voting in favor thereof.

{ AYES 80 }  
{ NOES 9 }

Those who voted in the affirmative, were

Barkley	Decker	W. A. Johnson	Seward
Barrow	Dessar	Kirk	Shattuck
Beach	Edson	Krack	Sherwood
Bennett	Farrar	Kshinka	Shiel
Berry	Fay	Law	Silverman
Bishop	Fish	Lewis	Slingerland
Bordwell	Friend	Lillybridge	Smith
Bowen	Gallagher	Lincoln	Stacy
Bradley	Green	McAfee	Stauf
Braman	Griffin	McGowan	Stephens
Broas	Hanrahan	Merwin	Talmage
Brown	Hauschel	Oakley	W. F. Taylor
Burtis	Hepburn	Page	Tewksbury
Calkins	Hess	Petty	Tremain
T. C. Campbell	Hinckley	Pierson	Vedder
T. J. Campbell	Holmes	Reilly	Wellington
Cleary	Houghton	Schenck	Whitmore
Coffey	Hussey	Schieffelin	Willis
Comstock	Husted	Schuyler	Worth
Costigan	Ives	Scudder	Wurts

Those who voted in the negative, were

Alvord	Clark	Daggett	Waehner
Badger	Cooke	Hogan	Wenzel
Benedict			

Mr. Willis moved to reconsider the vote by which said bill was lost, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to exempt property, real and personal, of

the Society of the New York Hospital from taxation," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 14 }

Those who voted in the affirmative, were

Badger	Costigan	Keenan	Scudder
Barrow	Daly	Kirk	Seward
Beach	Davis	Kshinka	Sherwood
Benedict	Dessar	Law	Shiel
Bennett	Ely	Lawson	Silverman
Berry	Farrar	Lewis	Slingerland
Bishop	Fay	Lillybridge	Smith
Bordwell	Fish	Lincoln	Speaker
Bowen	Gallagher	McAfee	Stacy
Bradley	Gedney	McGowan	Stephens
Braman	Green	McGroarty	G. Taylor
Broas	Griffin	Oakley	W. F. Taylor
Brogan	Hanrahan	O'Keefe	Tewksbury
Burtis	Hauschel	Page	Tremain
Calkins	Hepburn	Petty	Vedder
T. C. Campbell	Hess	Pierson	Wenzel
T. J. Campbell	Hogan	Reilly	West
Clark	Holmes	Roscoe	Willis
Cleary	Houghton	Russell	Witbeck
Coffey	Husted	Schenck	Wurts
Comstock	Ives	Schuyler	Yost
Cooke	W. A. Johnson		

Those who voted in the negative, were

Alvord	Decker	W. Johnson	Schieffelin
Barkley	Friend	Merwin	Waehner
Brown	Hinckley	Peck	Wellington
Daggett	Hussey		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the improvement of streets, roads and avenues in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 3 }

Those who voted in the affirmative, were

Alvord	Costigan	Krack	Russell
Badger	Daly	Kshinka	Sanford

**MAY 13.]**

**1571**

Barkley	Decker	Law	Schenck
Beardsley	Edson	Lawrence	Schuyler
Benedict	Ely	Lewis	Scudder
Bennett	Farrar	Lillybridge	Shattuck
Berry	Fish	Lincoln	Sherwood
Bordwell	Friend	Mackin	Shiel
Bradley	Green	McGowan	Slingerland
Broas	Hanrahan	McGroarty	Smith
Brogan	Hauschel	J. W. Miller	Stacy
Brown	Hess	W. Miller	Stephens
Burtis	Hinckley	Muller	Talmage
Calkins	Hogan	Oakley	G. Taylor
T. C. Campbell	Houghton	Page	Tewksbury
T. J. Campbell	Hussey	Peck	Vedder
Clark	Husted	Pierson	Vosburgh
Cleary	Ives	Pope	Wellington
Coffey	W. Johnson	Prince	Wenzel
Comstock	Keenan	Reilly	West
Cooke	Kirk	Roscoe	Yost

Those who voted in the negative, were

Gedney	Schieffelin	Waehner
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to fix the compensation of certain officers in the city and county of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Schieffelin
Badger	Decker	Kirk	Schuyler
Barkley	Dessar	Krack	Scudder
Beach	Edson	Kshinka	Sherman
Benedict	Ely	Lawrence	Shiel
Berry	Fish	Lewis	Silverman
Bishop	Friend	Lincoln	Smith
Braman	Gedney	McAfee	Speaker
Broas	Green	McGowan	Stauf
Brogan	Griffin	Merwin	Stephens
Brown	Hanrahan	Oakley	Struble
Burtis	Hauschel	O'Keefe	G. Taylor
Calkins	Hinckley	Page	W. F. Taylor
T. C. Campbell	Hogan	Peck	Wellington
T. J. Campbell	Holmes	Petty	Wenzel
Clark	Houghton	Pierson	West
Comstock	Hussey	Prince	Willis
Cooke	Ives	Ransom	Witbeck

Costigan  
Daggett

W. Johnson  
Keenan

Roscoe  
Schenck

Wurts  
Yost

For the negative,

Lillybridge

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the powers and duties of the department of public parks of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 ;  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Seward
Badger	Davis	Law	Shattuck
Barkley	Dessar	Lawson	Sherwood
Barrow	Edson	Lillybridge	Silverman
Beardsley	Ely	Mackin	Slingerland
Benedict	Faulkner	McAfee	Smith
Bennett	Friend	McGowan	Speaker
Berry	Gallagher	McGroarty	Stauf
Bordwell	Green	Merwin	Struble
Bradley	Hammond	W. Miller	Talmage
Braman	Hanrahan	Oakley	G. Taylor
Broas	Hepburn	O'Keefe	W. F. Taylor
Brown	Hess	Page	Tremain
Burtis	Hogan	Petty	Vosburgh
Calkins	Holmes	Pierson	Wellington
T. C. Campbell	Husted	Prince	West
T. J. Campbell	Ives	Ransom	Whitmore
Clark	W. Johnson	Roscoe	Witbeck
Coffey	W. A. Johnson	Russell	Worth
Cole	Kennaday	Sanford	Wurts
Cooke	Kirk	Schieffelin	Yost
Costigan	Krack	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schuyler
Badger	Edson	Law	Scudder
Barkley	Ely	Lawson	Shattuck
Beach	Faulkner	Lewis	Sherwood
Beardsley	Fay	Lincoln	Silverman
Bennett	Fish	Mackin	Smith
Berry	Friend	McGowan	Speaker
Bordwell	Gedney	McGroarty	Stephens
Bradley	Griffin	Merwin	Struble
Braman	Hammond	J. W. Miller	G. Taylor
Brogan	Hanrahan	Muller	W. F. Taylor
Burtis	Hauschel	Oakley	Tremain
Calkins	Hess	Page	Vosburgh
T. C. Campbell	Hinckley	Peck	Waehner
T. J. Campbell	Holmes	Pierson	Wenzel
Clark	Hussey	Pope	West
Cleary	Ives	Ransom	Willis
Cole	W. Johnson	Reilly	Witbeck
Comstock	Keenan	Roscoe	Worth
Costigan	Kennaday	Russell	Würts
Daly	Kirk	Sanford	Yost
Davis	Krack	Schieffelin	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Brogan moved to lay the present order of business upon the table for the purpose of offering the following resolution:

*Resolved*, That a respectful message be sent to the Senate, asking for the return of Senate bill No. 303, entitled "An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 20 }  
{ NOES 56 }

Those who voted in the affirmative, were

Bennett	Coffey	Keenan	Reilly
Berry	Fay	Lawson	Sherman
Broas	Gallagher	Lewis	Smith
Brogan	Griffin	McGroarty	Speaker
Brown	Houghton	O'Keefe	Wenzel

Those who voted in the negative, were

Alvord	Dessar	Kirk	Shattuck
Badger	Edson	Lillybridge	Sherwood
Barrow	Farrar	Lincoln	Shiel
Beach	Gedney	McAfee	Silverman
Bishop	Green	McGowan	Stauf

Braman	Hauschel	Muller	Stephens
T. J. Campbell	Hess	Oakley	Struble
Clark	Hinckley	Petty	G. Taylor
Comstock	Hogan	Roscoe	W. F. Taylor
Cooke	Holmes	Russell	Tewksbury
Costigan	Hussey	Schieffelin	Wellington
Daggett	Husted	Schuyler	West
Daly	W. Johnson	Scudder	Whitmore
Decker	W. A. Johnson	Seward	Yost

The bill entitled "An act in relation to the proof of wills," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schieffelin
Badger	Davis	Kshinka	Scudder
Barrow	Dessar	Lawrence	Shattuck
Beach	Ely	Lawson	Sherman
Beardsley	Farrar	Lillybridge	Shiel
Benedict	Faulkner	Lincoln	Silverman
Bennett	Friend	Mackin	Smith
Berry	Gallagher	McAfee	Stacy
Bordwell	Gedney	McGowan	Stephens
Bradley	Griffin	McGroarty	Struble
Braman	Hammond	J. W. Miller	Talmage
Brogan	Hauschel	Muller	G. Taylor
Brown	Hepburn	Oakley	Tremain
Burtis	Hess	Page	Vedder
Calkins	Hinckley	Peck	Waehner
T. C. Campbell	Holmes	Pierson	Wellington
T. J. Campbell	Houghton	Pope	West
Clark	Husted	Prince	Whitmore
Coffey	Ives	Reilly	Witbeck
Cole	Keenan	Rich	Worth
Cooke	Kennaday	Russell	Wurts
Costigan	Kirk	Schenck	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend title 6, chapter 20, part 1 of the Revised Statutes, entitled 'Of the support of bastards,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**MAY 13.]**

**1575**

**{ AYES 89 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Davis	Krack	Scudder
Badger	Dessar	Kshinka	Shattuck
Barrow	Edson	Lawrence	Sherman
Beach	Ely	Lawson	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Bennett	Fish	Lincoln	Smith
Berry	Friend	McAfee	Speaker
Bordwell	Gallagher	McGowan	Stauf
Bradley	Green	McGroarty	Stephens
Braman	Hammond	J. W. Miller	Talmage
Brogan	Hanrahan	Muller	G. Taylor
Brown	Hauschel	Oakley	Tewksbury
Burtis	Hess	Page	Tremain
Calkins	Hinckley	Peck	Vosburgh
T. C. Campbell	Holmes	Pierson	Waehner
T. J. Campbell	Houghton	Pope	Wenzel
Clark	Hussey	Prince	West
Cleary	Husted	Ransom	Willis
Coffey	Ives	Rich	Witbeck
Cole	W. Johnson	Russell	Worth
Cooke	Kennaday	Sanford	Wurts
Costigan	Kirk	Schieffelin	Yost
Daly			

**Ordered,** That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize corporations to reduce their capital stock," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 68 }**  
**{ NOES 3 }**

**Those who voted in the affirmative, were**

Alvord	Cleary	Hauschel	Pierson
Badger	Cole	Hess	Prince
Barkley	Cooke	Hinckley	Reilly
Barrow	Daggett	Hogan	Roscoe
Beach	Daly	Holmes	Russell
Benedict	Decker	Husted	Scudder
Bennett	Dessar	W. Johnson	Seward
Bishop	Edson	Kirk	Shattuck
Bordwell	Ely	Lewis	Sherwood
Bradley	Farrar	Lillybridge	Smith
Broas	Faulkner	Lincoln	Speaker
Brown	Fay	McAfee	Struble
Burtis	Friend	McGroarty	Talmage
Calkins	Gallagher	Muller	W. F. Taylor

T. C. Campbell	Green	Oakley	Tewksbury
T. J. Campbell	Griffin	Peck	West
Clark	Hanrahan	Petty	Witbeck

Those who voted in the negative, were

Hammond	Schieffelin	Waehner
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Seward, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Senate bill No. 131, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" and that the same be ordered to a third reading.

On motion of Mr. Ely, and by unanimous consent, the committee on affairs of villages was discharged from the further consideration of the Senate bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," and said bill read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schieffelin
Barkley	Ely	Kshinka	Schuyler
Beach	Farrar	Lawrence	Seward
Benedict	Fay	Lewis	Shattuck
Bennett	Fish	Lillybridge	Sherwood
Bishop	Friend	Mackin	Shiel
Bordwell	Gallagher	McAfee	Slingerland
Braman	Green	McGowan	Smith
Broas	Griffin	McGroarty	Stacy
Brogan	Hanrahan	J. W. Miller	Stauf
Burtis	Hauschel	W. Miller	Talmage
Calkins	Hess	Oakley	G. Taylor
T. C. Campbell	Hinckley	O'Keefe	Tewksbury
T. J. Campbell	Hogan	Page	Tremain
Clark	Holmes	Petty	Vosburgh
Cleary	Houghton	Pierson	Waehner
Cole	Husted	Pope	Wenzel
Comstock	Ives	Ransom	Willis
Costigan	W. Johnson	Rich	Worth
Daggett	Keenan	Russell	Wurts
Davis	Kennaday	Schenck	Yost
Decker	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. McGuire offered for the consideration of the House a resolution, in the words following:

*Whereas*, For the past six years a successful armed resistance to Spanish authority in the island of Cuba has been maintained by a people who have organized and established a government, republican in form, which guarantees to all its citizens freedom in person, in religion, in the right to acquire and enjoy property and participation in its affairs; and,

*Whereas*, The republic of Cuba has not only maintained its position, but persistently lessened the area of Spanish rule until it is now recognized over less than one-third of the territory of that island; and,

*Whereas*, The war now being waged on said island is characterized by all the ferocity of semi-barbarism, the consequences of which are prejudicial to the social and commercial interests of our entire people; and,

*Whereas*, It is apparent that the people represented by the republic of Cuba possess the ability to drive the Spanish army and the representatives of Spanish authority ultimately to the seaboard towns for their protection, when the civilized world must accord to that republic its independence; and,

*Whereas*, It is the duty of the government of the United States to always extend its sympathies and, when consistent, its aid, to any people struggling to establish a free republican government; therefore, disclaiming any intention or desire to give to this subject any party or political bias,

*Resolved* (if the Senate concur), That, in the opinion of this Legislature, the time has arrived when it is the duty of the government of the United States to take such action as is best calculated to terminate the war now waging in the island of Cuba, and secure to its people the advantages of a free government.

*Resolved* (if the Senate concur), That our Senators and Representatives in Congress be requested to pass such measures as will secure to the republic of Cuba all the rights and privileges belonging to belligerents in war.

Mr. Vedder moved to amend by adding thereto the words "Provided the same can be done without a violation of international law, or the settled policy of the United States."

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The bill entitled "An act explaining section 1 of chapter 251 of the Laws of 1875, entitled 'An act for the support and maintenance of prisoners confined upon civil process,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Comstock	Ives	Schenck
Badger	Cooke	Keenan	Schuyler
Barkley	Daggett	Kennaday	Seward
Barrow	Daly	Kirk	Sherman
Beach	Decker	Kshinka	Shiel
Beardsley	Dessar	Law	Silverman
Benedict	Edson	Lewis	Slingerland
Bennett	Ely	Lincoln	Smith
Berry	Farrar	McGowan	Speaker
Bordwell	Faulkner	Muller	Stauf
Bradley	Fay	Oakley	Stephens
Braman	Fish	O'Keefe	Struble
Brogan	Friend	Page	Talmage
Burtis	Gedney	Peck	G. Taylor
Calkins	Green	Pierson	W. F. Taylor
T. C. Campbell	Griffin	Prince	Waehner
T. J. Campbell	Hammond	Ransom	Whitmore
Clark	Hanrahan	Reilly	Willis
Cleary	Hess	Rich	Wurts
Coffey	Hogan	Roscoe	

For the negative,

Hinckley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend chapter 522 of the Laws of 1860, entitled 'An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines,' passed April 27, 1860," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Shattuck
Badger	Dessar	Kshinka	Sherman
Barkley	Edson	Lawrence	Sherwood
Beach	Ely	Lewis	Shiel
Beardsley	Farrar	Lillybridge	Silverman
Benedict	Fay	Mackin	Smith
Bennett	Fish	McGowan	Stauf
Berry	Friend	McGroarty	Struble
Bordwell	Gallagher	Merwin	Talmage
Bradley	Green	W. Miller	G. Taylor

Broas	Hammond	Oakley	W. F. Taylor
Brown	Hauschel	O'Keefe	Tremain
Burtis	Hepburn	Peck	Vedder
Calkins	Hinckley	Pierson	Vosburgh
T. C. Campbell	Holmes	Ransom	Wellington
T. J. Campbell	Houghton	Reilly	Wenzel
Clark	Husted	Rich	Whitmore
Gleary	Ives	Russell	Willis
Coffey	W. Johnson	Sanford	Witbeck
Comstock	W. A. Johnson	Schenck	Worth
Costigan	Kennaday	Schuyler	Wurts
Daggett	Kirk	Scudder	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson,' passed May 1, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Seward
Badger	Dessar	Lawrence	Sherman
Barkley	Ely	Lawson	Shiel
Beach	Farrar	Lillybridge	Silverman
Beardsley	Faulkner	Mackin	Smith
Benedict	Fish	McAfee	Speaker
Berry	Gallagher	McGowan	Stauf
Bishop	Green	Merwin	Talmage
Bowen	Hammond	J. W. Miller	G. Taylor
Bradley	Hanrahan	Muller	W. F. Taylor
Broas	Hauschel	Oakley	Tremain
Brogan	Hess	Page	Vedder
Burtis	Hogan	Peck	Vosburgh
Calkins	Holmes	Petty	Wellington
T. C. Campbell	Hussey	Pope	Wenzel
T. J. Campbell	Husted	Prince	West
Clark	W. Johnson	Ransom	Willis
Coffey	W. A. Johnson	Rich	Witbeck
Cole	Keenan	Russell	Worth
Comstock	Kennaday	Sanford	Wurts
Costigan	Kirk	Schenck	Yost
Daly	Krack	Schuyler	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Broas, and by unanimous consent,

*Resolved,* That the committee of the whole be discharged from the



further consideration of the Senate bill entitled "An act to amend an act entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess,' passed April 4, 1866," and that the same be ordered to a third reading.

By unanimous consent, Mr. Peck introduced a bill entitled "An act supplementary to chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown and the acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Peck, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

The Senate bill entitled "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Scudder
Barkley	Dessar	Kshinka	Seward
Barrow	Edson	Lawrence	Shattuck
Beardsley	Farrar	Lewis	Sherwood
Benedict	Faulkner	Lillybridge	Shiel
Berry	Fish	Mackin	Smith
Bishop	Friend	McAfee	Speaker
Bordwell	Gallagher	McGowan	Stacy
Bradley	Gedney	McGroarty	Stephens
Broas	Griffin	J. W. Miller	Talmage
Brown	Hammond	Muller	G. Taylor
Burtis	Hauschel	Oakley	Tewksbury
Calkins	Hepburn	Page	Tremain
T. C. Campbell	Hess	Peck	Vedder
T. J. Campbell	Hinckley	Pierson	Waehner
Clark	Hogan	Pope	Wellington
Cleary	Houghton	Prince	West
Cole	Hussey	Ransom	Willis
Comstock	Husted	Rich	Witbeck
Cooke	W. Johnson	Russell	Worth
Daggett	Keenan	Schenck	Wurts
Daly	Kirk	Schieffelin	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to authorize the appointment of commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-

works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester," being announced for a third reading,

On motion of Mr. G. Taylor, and by unanimous consent, said bill was amended as follows:

Insert after the word "city" in line 5 of section 9, printed bill, the following: "but such compensation, expenses and disbursements, including such expenses as are authorized under the tenth section of this act shall not exceed the sum of four thousand dollars."

Strike out all in section 10 after the words "referred to" in line 4.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Sherman
Badger	Edson	Lawson	Shiel
Barkley	Ely	Lillybridge	Slingerland
Beach	Farrar	Mackin	Smith
Beardsley	Fay	McAfee	Speaker
Bennett	Friend	McGroarty	Stauf
Berry	Gallagher	Merwin	Stephens
Bordwell	Green	J. W. Miller	Struble
Bowen	Hammond	Muller	G. Taylor
Braman	Hanrahan	O'Keefe	W. F. Taylor
Broas	Hepburn	Peck	Tremain
Brown	Hess	Pierson	Vedder
Burtis	Hogan	Ransom	Waehner
Calkins	Holmes	Reilly	Wellington
T. C. Campbell	Hussey	Rich	Wenzel
T. J. Campbell	Husted	Russell	Whitmore
Clark	Ives	Sanford	Willis
Coffey	W. A. Johnson	Schieffelin	Witbeck
Cole	Keenan	Schuyler	Worth
Cooke	Kirk	Seward	Wurts
Costigan	Krack	Shattuck	Yost
Davis	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to alter the map or plan of the city of New York by striking therefrom the proposed avenue B, between Sixty-eighth and Sixty-ninth streets," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Sherwood
Badger	Edson	Lewis	Shiel
Barkley	Ely	Lillybridge	Silverman
Beach	Farrar	Mackin	Smith
Beardsley	Faulkner	McAfee	Speaker
Benedict	Friend	McGroarty	Stauf
Berry	Gallagher	Merwin	Stephens
Bishop	Green	W. Miller	Struble
Bowen	Griffin	Muller	Talmage
Bradley	Hanrahan	O'Keefe	W. F. Taylor
Broas	Hauschel	Page	Tewksbury
Brogan	Hepburn	Petty	Tremain
Burtis	Hinckley	Pierson	Vosburgh
Calkins	Hogan	Prince	Waehner
T C. Campbell	Houghton	Ransom	Wenzel
T. J. Campbell	Husted	Reilly	West
Clark	Ives	Roscoe	Whitmore
Cleary	W. Johnson	Sanford	Willis
Cole	Keenan	Schenck	Witbeck
Comstock	Kennaday	Schuyler	Worth
Costigan	Krack	Scudder	Wurts
Daggett	Kshinka	Shattuck	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend section 3 of title 4 of chapter 8 of part 3 of the Revised Statutes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Scudder
Badger	Davis	Kshinka	Seward
Barkley	Dessar	Law	Sherman
Beach	Edson	Lawrence	Sherwood
Beardsley	Farrar	Lawson	Silverman
Benedict	Faulkner	Lillybridge	Slingerland
Bennett	Fay	Lincoln	Speaker
Bishop	Fish	Mackin	Stacy
Bordwell	Gallagher	McAfee	Stephens
Bowen	Gedney	Merwin	Struble
Braman	Griffin	W. Miller	G. Taylor
Broas	Hammond	Oakley	W. F. Taylor
Brown	Hanrahan	O'Keefe	Tremain

Burtis	Hepburn	Peck	Vedder
Calkins	Hess	Petty	Waehner
T. C. Campbell	Hinckley	Pierson	Wenzel
T. J. Campbell	Holmes	Prince	West
Clark	Houghton	Ransom	Willis
Coffey	Husted	Rich	Witbeck
Cole	Ives	Roscoe	Worth
Cooke	W. Johnson	Sanford	Wurts
Costigan	W. A. Johnson	Schenck	Yost
Daggett	Kennaday	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schuyler
Badger	Dessar	Kshinka	Seward
Barkley	Edson	Law	Shattuck
Barrow	Farrar	Lawrence	Shiel
Beach	Faulkner	Lewis	Slingerland
Beardsley	Fay	Lillybridge	Smith
Benedict	Fish	Mackin	Speaker
Berry	Gallagher	McAfee	Stauf
Bishop	Gedney	McGowan	Stephens
Bowen	Griffin	Merwin	Talmage
Braman	Hammond	J. W. Milier	G. Taylor
Broas	Hauschel	Muller	Tewksbury
Brogan	Hepburn	Oakley	Tremain
Burtis	Hess	O'Keefe	Vosburgh
Calkins	Hogan	Peck	Waehner
T. C. Campbell	Holmes	Petty	Wenzel
T. J. Campbell	Hussey	Pierson	West
Clark	Husted	Prince	Whitmore
Cleary	Ives	Ransom	Witbeck
Cole	W. Johnson	Rich	Worth
Comstock	Keenan	Russell	Wurts
Costigan	Kennaday	Schenck	Yost
Daly	Kirk	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States," was read a third time.

Mr Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 107 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Seward
Badger	Decker	Law	Shattuck
Barkley	Dessar	Lawrence	Sherman
Barrow	Edson	Lawson	Sherwood
Beardsley	Ely	Lewis	Shiel
Benedict	Faulkner	Lillybridge	Silverman
Bennett	Fay	Lincoln	Slingerland
Berry	Fish	McAfee	Smith
Bishop	Friend	McGowan	Speaker
Bordwell	Gallagher	McGroarty	Stacy
Bradley	Gedney	Merwin	Stauf
Braman	Griffin	W. Miller	Stephens
Broas	Hammond	Muller	Struble
Brogan	Hanrahan	Oakley	Talmage
Brown	Hauschel	O'Keefe	G. Taylor
Burtis	Hepburn	Page	W. F. Taylor
Calkins	Hinckley	Petty	Tremain
T. C. Campbell	Hogan	Pierson	Vedder
T. J. Campbell	Houghton	Prince	Waehner
Clark	Hussey	Ransom	Wenzel
Cleary	Husted	Reilly	Whitmore
Coffey	Ives	Rich	Willis
Cole	W. A. Johnson	Russell	Witbeck
Cooke	Keenan	Sanford	Worth
Costigan	Kennaday	Schieffelin	Wurts
Daggett	Kirk	Schuyler	Yost
Daly	Krack	Scudder	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act for the incorporation of library companies,' passed June 17, 1853," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Davis	Kshinka	Shattuck
Barkley	Decker	Lawrence	Sherman
Barrow	Edson	Lewis	Shiel

Beach	Ely	Lillybridge	Silverman
Beardsley	Faulkner	Mackin	Smith
Bennett	Fish	McAfee	Speaker
Berry	Friend	McGowan	Stacy
Bordwell	Gedney	McGroarty	Stephens
Bowen	Green	J. W. Miller	Struble
Braman	Griffin	W. Miller	G. Taylor
Broas	Hammond	Oakley	W. F. Taylor
Brown	Hauschel	Page	Tremain
Burtis	Hepburn	Peck	Vedder
Calkins	Hess	Pope	Waehner
T. C. Campbell	Hogan	Prince	Wellington
T. J. Campbell	Houghton	Reilly	West
Clark	Husted	Rich	Whitmore
Cleary	Ives	Russell	Witbeck
Cole	W. A. Johnson	Sanford	Worth
Comstock	Kennaday	Schieffelin	Wurts
Costigan	Kirk	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act to authorize the board of assessors in the city of New York to revise and correct the assessments for the outlet sewer in Eightieth street and other streets in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 96 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Scudder
Badger	Edson	Law	Seward
Barkley	Ely	Lawrence	Sherman
Barrow	Farrar	Lewis	Sherwood
Beach	Faulkner	Lillybridge	Silverman
Benedict	Friend	Mackin	Smith
Bennett	Gallagher	McAfee	Speaker
Bishop	Gedney	McGowan	Stacy
Bordwell	Griffin	McGroarty	Stauf
Bradley	Hammond	J. W. Miller	Struble
Braman	Hauschel	W. Miller	Talmage
Brogan	Hepburn	Muller	G. Taylor
Brown	Hess	Oakley	W. F. Taylor
Burtis	Hogan	Page	Tremain
Calkins	Holmes	Peck	Vedder
T. C. Campbell	Hussey	Petty	Waehner
T. J. Campbell	Husted	Pope	Wellington
Clark	Ives	Prince	Wenzel
Cleary	W. Johnson	Reilly	West
Cole	W. A. Johnson	Rich	Willis

Cooke  
Costigan  
Daly  
Davis

Keenan  
Kennaday  
Kirk  
Krack

Russell  
Sanford  
Schieffelin  
Schuyler

Witbeck  
Worth  
Wurts  
Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and supplementary thereto,' passed March 29, 1875," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Fay	Lewis	Shattuck
Barkley	Fish	Lincoln	Sherwood
Beardsley	Friend	Mackin	Shiel
Benedict	Gedney	McGowan	Slingerland
Berry	Griffin	McGroarty	Speaker
Broas	Hammond	Merwin	Stacy
Brown	Hanrahan	W. Miller	Stephens
Calkins	Hauschel	Muller	Struble
T. C. Campbell	Hepburn	Oakley	Talmage
T. J. Campbell	Hess	Page	Tewksbury
Clark	Hinckley	Peck	Tremain
Cleary	Houghton	Pierson	Vosburgh
Cole	Hussey	Prince	Waehner
Comstock	Husted	Ransom	Wenzel
Cooke	W. Johnson	Rich	West
Costigan	Keenan	Roscoe	Whitmore
Daggett	Kennaday	Sanford	Willis
Daly	Kirk	Schenck	Worth
Decker	Krack	Schieffelin	Wurts
Edson	Kshinka	Scudder	Yost
Ely	Lawson	Seward	

For the negative,

Badger

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to secure free exercise and enjoyment of religious profession and worship, without discrimination or preference, to all mankind confined in State prisons and other places of confinement," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 71 }  
{ NOES 17 }

Those who voted in the affirmative, were

Alvord	Cole	Houghton	Russell
Barkley	Cooke	Ives	Schenck
Barrow	Costigan	Keenan	Schuyler
Beach	Daly	Kirk	Scudder
Benedict	Dessar	Lawson	Shattuck
Bennett	Edson	Lewis	Sherman
Berry	Ely	Lincoln	Shiel
Bradley	Farrar	McGowan	Silverman
Braman	Fish	McGroarty	Smith
Broas	Gallagher	Muller	Speaker
Brogan	Griffin	Oakley	Stauf
Brown	Hammond	O'Keefe	Talmage
Calkins	Hanrahan	Page	G. Taylor
T. C. Campbell	Hauschel	Petty	Vedder
T. J. Campbell	Hess	Pierson	Waehner
Clark	Hinckley	Prince	Wenzel
Cleary	Hogan	Reilly	Wurts
Coffey	Holmes	Rich	

Those who voted in the negative, were

Badger	Comstock	Gedney	Seward
Bishop	Daggett	Hussey	Sherwood
Bordwell	Decker	Lillybridge	Whitmore
Bowen	Friend	Peck	Willis
Burtis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The hour of 2 o'clock having arrived, the House took a recess until 4 o'clock P. M.

## FOUR O'CLOCK.

The House again met.

Mr. Alvord called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn."

"An act to amend chapter 574 of the Laws of 1871, as amended by chapter 738 of the Laws of 1872, in relation to the department of docks." With the following amendments:

Strike out in line 1 of section 1 the words "said act" and insert the words "chapter 571 as amended by chapter 738 of the Laws of 1872, in relation to the department of docks." Add at the end of section 1 the following: "But no such change shall be made to any wharf, pier, bulkhead or water right owned by private individuals, or during the term of any lease of any wharf, pier, bulkhead or water right granted by the proper authorities of the city of New York, without the consent of the owners or lessees thereof."

Senate, "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York." With the following amendments:

Insert as section 3 the following:

"§ 3. In any action now pending or which may be commenced within six months after the passage of this act, against the mayor, aldermen and commonalty of the city of New York, relating to the claims of members of the Metropolitan police force, it shall be determined whether the member or members of said force, plaintiff or plaintiffs, in such action or represented therein by his or their legal representatives or assigns, were entitled to pay as members of said force, the period for which he or they were entitled to such pay, the amount thereof, and for such sum as may be so determined, the said mayor, aldermen and commonalty shall be liable."

Change section 3 to section 4.

Senate, "An act to repeal an act entitled 'An act to further provide for the rebuilding and repairing of sewers in the city of New York,' passed March 29, 1871."

Senate, "An act to amend chapter 344 of the Laws of 1860, entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860, and to define the term of office of the acting superintendent and auditing superintendent of the poor now in office under said act." With the following amendments:

Insert in line 9 of section 1, engrossed bill, after the word "poor" the name "Martin P. Defreest."

Strike out all of section 1 after the word "law," in line 32, engrossed bill.

"An act in relation to the Alms-house and Insane Asylum in the city of Albany, and the sale and purchase of real property in connection therewith."

"An act to incorporate the fire department of the North Shore of Staten Island."

"An act for the preservation of fish in the Niagara river." With the following amendment:

Strike out of line 8, section 1, the words "one hundred" and insert the word "twenty-five."

Senate, "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, and also to amend an act to re-enact and amend the same, passed April 6, 1871, also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at a higher elevation."

"An act to provide for the opening and improving of Lewis avenue, in the city of Brooklyn." With the following amendments:

Insert after the word "empowered" in line 2 of section 1 the words "without petition."

At the end of section 1 add the following: "and to extend, open, grade and otherwise regulate Downing street, between Quincy street and Lexington avenue, in said city."

Insert after the word "the" in the first line of section 2 the word "extending."

Add the following to section 2 after the word "made," at the end of the fourth line: "The expense of such measures shall be assessed, levied

and collected in the same manner as the expense of grading and paving streets in said city, and for that purpose all provisions of law properly applicable thereto shall apply to the proceedings under this act, except as herein provided. The common council shall, before the said improvements are made, fix a district in which the assessment shall be made, and shall give notice thereof in the corporation newspapers. The supreme court shall, upon the application of the attorney and counsel of the city of Brooklyn, appoint three commissioners to ascertain the expense of opening either of said streets as aforesaid, and the amount of compensation, if any, to be paid to all persons whose property shall be taken or affected thereby, and from and after the appointment of said commissioners the laws now in force relating to the opening of streets in said city shall apply to the proceedings of said commissioners, except as far as the same may be inconsistent with the provisions of this act."

Insert as section 3 the following :

"§ 3. All acts inconsistent herewith are hereby repealed, as far as the same may affect the provisions of this act."

Change "§ 3" to "§ 4."

Amend the title so as to read "An act to provide for the opening and improving of Lewis avenue, and for extending, opening and improving of Downing street in the city of Brooklyn."

Senate, "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stocks and bonds in anticipation of the collection of assessments therefor, and to provide for the services rendered in laying out and opening streets, avenues, roads or public parks and places in the city of New York."

"An act to amend an act entitled 'An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same, and improvement of such extension, in Queens county, and to provide for the payment therefor,' passed June 16, 1874." With the following amendments :

Insert after the word "seventy-four" in line 2, section 1, the following : "entitled 'An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same and improvement of such extension, in Queens county, and to provide for the payment therefor.'"

Amend the title so as to read as follows : "An act to amend chapter 637 of the Laws of 1874, entitled 'An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same and improvement of such extension, in Queens county, and to provide for the payment therefor.'"

Which report was agreed to, and said bills severally ordered engrossed and to a third reading.

Mr. McGroarty, from the sub-committee of the whole, to which was referred the bill entitled "An act to incorporate the Electro Medical College of the State of New York, in the city of New York," reported in favor of the passage of the same, with the following amendment :

Strike out in line 1, section 4, the words "for the time being."

Mr. Beach moved to disagree with said report, and that said bill be referred to the committee of the whole.

Mr. Alvord moved to lay said report aside for the present.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

{ AYES 43 }  
 { NOES 34 }

Those who voted in the affirmative, were

Alvord	Cole	W. Johnson	Scudder
Badger	Costigan	W. A. Johnson	Shattuck
Beach	Daggett	Kshinka	Silverman
Bennett	Daly	Law	Speaker
Berry	Hammond	Mackin	Stacy
Bishop	Hanrahan	McGowan	Talmage
Broas	Hess	Page	Tewksbury
T. C. Campbell	Holmes	Russell	Wachner
T. J. Campbell	Houghton	Schenck	Willis
Clark	Hussey	Schieffelin	Wurts
Cleary	Ives	Schuyler	

Those who voted in the negative, were

Bordwell	Gallagher	Oakley	Stephens
Bowen	Hanschel	O'Keefe	G. Taylor
Braman	Husted	Peck	Vosburgh
Brogan	Keenan	Prince	Wellington
Burtis	Kirk	Reilly	Wenzel
Coffey	Lawson	Seward	West
Comstock	Lillybridge	Smith	Whitmore
Decker	Lincoln	Stauf	Yost
Friend	McGroarty		

The Senate returned the resolution recalling from the Governor for amendment the bill entitled "An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize the commissioners of highways of the town of Saratoga Springs to build a sidewalk along Union avenue in said town."

"An act for the relief of Ferdinand S. Hahn."

"An act releasing the interest of the State in certain lands of which Mary Ann Thompson died possessed to Christopher G. Mason."

"An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county.'"

"An act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof."

"An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses."

"An act in relation to the benevolent fund of the late volunteer fire department of the late town of Morrisania, now the twenty-third ward of the city of New York."

"An act to further amend the charter of the village of Delhi."

*Ordered*, That the Clerk deliver said bills to the Governor.

Pursuant to a resolution adopted April 8, the Speaker and Clerk submitted the following bill as referable to the sub-committee of the whole:

"An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855."

Mr. T. C. Campbell offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the bill entitled "An act to provide for the election of the justices of the district courts in the city of New York," be referred to the sub-committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Lincoln offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the bill entitled "An act to amend chapter 51 of the Laws of 1875, entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" be referred to the sub-committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act in relation to the Merchants' Loan Company," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Oakley, and by unanimous consent, said bill was ordered to a third reading.

"An act in relation to the floating debt of the village of Edgewater," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Stephens, and by unanimous consent, said bill was ordered to a third reading.

"An act to amend the title of an act entitled 'An act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York,' passed April 11, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bennett, and by unanimous consent, said bill was ordered to a third reading.

The Senate returned the bill entitled "An act in relation to habitual drunkards, vagrants and prostitutes in the county of Erie," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 2, strike out the words "city of Buffalo" and insert the words "county of Erie." Line 4, strike out the words "or shall appear." Line 17, after the word "the" insert the word "written." Add at the end of section 1 the following: "and such committing magistrate shall forthwith make and file a copy of such commitment in the clerk's office of Erie county; it shall also be the duty of the county clerk of said county to make a report of such commitment filed in his office during the proceedings, to the board of supervisors of said county at their annual meeting."

Section 3, line 4, strike out the words "the sum of" and insert the

words "such sum not exceeding." Line 5, after the word "week" insert the words "as the board of supervisors shall determine." Line 9, after the word "maintenance" insert the word "shall."

Amend the title by striking out the words "city of Buffalo" and inserting in lieu thereof the words "county of Erie."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schenck
Badger	Ely	Kshinka	Schieffelin
Barrow	Farrar	Law	Scudder
Beach	Fay	Lewis	Shattuck
Benedict	Fish	Lillybridge	Sherman
Bennett	Friend	Lincoln	Shiel
Bordwell	Gallagher	McAfee	Silverman
Bradley	Green	McGroarty	Speaker
Braman	Griffin	Merwin	Stacy
Brown	Hammond	W. Miller	Stephens
Burtis	Hauschel	Oakley	Struble
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Page	W. F. Taylor
T. J. Campbell	Holmes	Peck	Tremain
Clark	Houghton	Petty	Vedder
Cleary	Husted	Pierson	Wellington
Cole	Ives	Prince	Wenzel
Comstock	W. Johnson	Ransom	Whitmore
Cooke	W. A. Johnson	Rich	Witbeck
Daggett	Kennaday	Roscoe	Wurts
Daly	Kirk	Sanford	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to reappropriate moneys for construction of new work upon and extraordinary repairs of the canals of this State, and for payment of awards made by the Canal Appraisers," for amendment.

Mr. Page moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Scudder
Badger	Ely	Lawson	Shattuck
Barrow	Farrar	Lillybridge	Sherman
Beach	Faulkner	Lincoln	Sherwood
Benedict	Fish	McAfee	Silverman
Bennett	Friend	McGowan	Slingerland
Bishop	Gallagher	McGroarty	Smith
Bowen	Gedney	J. W. Miller	Stacy
Bradley	Green	W. Miller	Stephens
Broas	Hammond	Oakley	Talmage
Brogan	Hanrahan	O'Keefe	G. Taylor
Brown	Hepburn	Page	Tewksbury
Burtis	Hess	Petty	Tremain
Calkins	Hinckley	Pierson	Vosburgh
T. C. Campbell	Hogan	Prince	Wellington
T. J. Campbell	Houghton	Ransom	Wenzel
Clark	Husted	Rich	West
Coffey	Ives	Roscoe	Whitmore
Comstock	W. Johnson	Russell	Willis
Cooke	Keenan	Sanford	Worth
Daggett	Kirk	Schenck	Wurts
Daly	Krack	Schuyler	Yost
Decker	Kshinka		

On motion of Mr. Page, and by unanimous consent, said bill was amended as follows:

Section 2, insert after the word "seventy-three" in the fifth line thereof the following: "being an act entitled 'An act to authorize a tax of one-half of a mill per dollar of valuation of the year one thousand eight hundred and seventy-three, for the construction of new work upon and extraordinary repairs of the canals of this State.'"

Strike out the last three subdivisions of section 2 and insert the following:

#### EASTERN DIVISION — ERIE CANAL.

For repairing bottom and banks of the Erie canal along the premises of Stellman A. Fields, in the town of Canajoharie, so as to prevent leakage upon the premises of said Fields, and for constructing a waste ditch along the premises of Samuel Beekman in said town, so as to carry back waters of the Erie canal, the sum of five hundred dollars, or so much thereof as may be necessary.

For constructing iron bridge superstructures on the Eastern Division, made necessary in consequence of change of plan, the sum of ten thousand seven hundred and twenty-seven dollars and ninety-three cents.

For raising the Rocky Rift feeder dam, the sum of thirteen hundred and fifty-nine dollars.

For the construction of a farm bridge over the Rocky Rift feeder, on the lands of John H. Keyser, in the county of Montgomery, the sum of two hundred and fifty dollars, or so much thereof as may be necessary.

For constructing and maintaining a highway bridge over the Erie



canal in the town of Watervliet, in the county of Albany, from Ireland Corners' road on the west of said canal, to Island Park, on the east of said canal, the sum of seven hundred and twenty dollars.

For raising iron bridge superstructure on Genesee street, Utica, to the height required and adapting approaches to the same, the sum of two thousand two hundred and twenty-one dollars and forty cents.

For removing wall benches and constructing slope walls on the towing path side of the Erie canal between the east line of the city of Utica and lock No. 45 at Frankfort, and between lock No. 46 and Whitesboro street bridge in the city of Utica, the sum of twenty-nine thousand five hundred and forty-five dollars; and between lock No. 33 and section No. 75 the sum of three hundred and forty dollars.

For removing wall benches and constructing slope walls elsewhere on the Eastern Division of the Erie canal, under direction of the canal board, the sum of five thousand seven hundred and thirty-four dollars.

For constructing blind drains on section No. 111, west of lock No. 46, the sum of one thousand eight hundred dollars.

#### CHAMPLAIN CANAL.

For rebuilding wooden lock, of stone, on the Glen's Falls feeder, the sum of seventeen thousand one hundred and fourteen dollars.

For completing bridge over Fort Edward feeder the sum of five hundred dollars, or so much thereof as may be necessary.

#### MIDDLE DIVISION — ERIE CANAL.

For taking down dry vertical walls and relaying the same in cement, in order to avert claims against the State in consequence of leakage from the Erie canal into the cellars of adjoining property-owners in the city of Syracuse, and for removing bench walls and constructing vertical walls when necessary on the Syracuse level of the Erie canal, the sum of four thousand eight hundred and seventy-seven dollars and thirty-six cents.

For removing bench walls and substituting slope walls upon the towing-path, Jordan level and Long level of the Erie canal, and for constructing two hundred lineal feet of vertical wall opposite the marble works of McCarthy & Paul and the malt-house of Adam Miller & Co., in the village of Weedsport, the sum of twenty-four thousand three hundred and eighty-nine dollars and eighteen cents.

For extending abutments, raising and widening approaches to highway bridges at East Frankfort, the sum of two hundred and twenty-five dollars.

For constructing iron bridge superstructures on the Middle Division of the Erie canal, made necessary in consequence of the change of plan, the sum of fifteen thousand dollars.

For a wrought-iron foot bridge over the Erie canal at Franklin street, in the city of Syracuse, the sum of one thousand nine hundred and twenty-two dollars.

For building one hundred and fifty feet of vertical wall on the Erie canal in the village of Port Byron, in front of the property of the Thompson Patent Paper Manufacturing Co., the sum of seven hundred and fifty dollars, or so much thereof as may be necessary.

#### MISCELLANEOUS.

For rebuilding broken culverts at Oswego and repairing docking and improving side cuts at Salina, building vertical wall at necessary

points on the Liverpool level and such other improvements of the Oswego canal as shall be directed by the Canal Commissioners, the sum of nine thousand eight hundred and thirteen dollars.

For repairing the State piers in the harbor at Geneva, the sum of one thousand four hundred and forty-eight dollars.

For constructing vertical wall on the berme side of the Cayuga and Seneca canal near the junction with the Erie canal in the village of Montezuma, the sum of one hundred and ninety-four dollars.

For the completion of the Oneida Lake canal, the sum of twenty-five thousand dollars.

#### WESTERN DIVISION — ERIE CANAL.

For deepening and improving the Erie canal between slip No. 3 and York street in the city of Buffalo, as authorized by the Canal Board August 6, 1872, and for completing division bank and other work connected therewith in Black Rock harbor so as to separate the canal from and make it independent of said harbor, the sum of thirty-seven thousand four hundred and twenty-seven dollars and forty-two cents.

For completing the removal of bench walls and constructing slope walls, and removing about one hundred and fifty feet of slope wall and substituting vertical wall therefor in front of the premises of Nelson McCormack, about one mile east of the canal collector's office, in the village of Medina, in the Erie canal, if, in the judgment of the Canal Commissioner in charge, it shall be deemed necessary for commercial purposes, and for other works under contract in the Western Division not sufficiently provided for, the sum of nine thousand and fifty-six dollars and forty-eight cents.

For cleaning out, improving, and deepening the canal an average of six inches below the established grade, between Thomas Creek culvert and Macedon locks, the sum of ten thousand dollars.

For constructing and maintaining a road bridge over the Erie canal connecting Averill and Munger streets, in the city of Rochester (subject to the provisions of chapter 399 of the Laws of 1874), the sum of ten thousand dollars.

For aiding in constructing a bridge over the Tonawanda creek (according to the provisions made in chapter 863 of the Laws of 1867), the sum of eight thousand dollars.

For constructing one hundred and twenty-five feet of vertical wall on the berme side of the Erie canal in front of the premises of J. W. Parker and others, in the village of Port Gibson, Ontario county, the sum of six hundred and twenty-five dollars.

For deepening Erie basin, Buffalo harbor, the sum of one thousand two hundred dollars.

For dredging and excavating in Black Rock harbor, the sum of two thousand two hundred and twenty dollars.

For building one hundred and fifty feet of vertical wall on the berme bank of the Erie canal at Macedon, east of the bridge, commencing at the easterly end of the present wall, provided that parties interested in said wall, without expense to the State, make all necessary excavations, and place the banks of the canal in a suitable condition for said wall, as the Canal Commissioner in charge shall direct, the sum of four hundred and fifty dollars, or so much thereof as may be necessary.

For constructing iron bridge superstructures on the Western Division of the Erie canal made necessary in consequence of change of plan, the sum of fifteen thousand dollars.

For the construction by the Sodus Point and Southern Railroad Company of three hundred and fifty feet of vertical wall on the berme bank of the Erie canal in the village of Newark, Wayne county, about two hundred feet westerly from the point where the iron bridge of said road crosses the canal, the sum of one thousand five hundred dollars.

For removing the remains of State dam on Scagauady's creek, and the bars in said creek adjacent thereto, the sum of seven hundred and forty dollars.

For the removal, replacement and repair of the bridge on Ohio street over the Clark and Skinner canal, the sum of nine hundred dollars, or so much thereof as may be necessary.

For repair and reconstruction of docking on the Clark and Skinner canal, the sum of nine hundred and seventeen dollars and eighty-five cents.

To pay the town of Pittsford four hundred dollars, and the town of Brighton six hundred dollars, or so much thereof as may be necessary for damages caused by water flowing from the side cuts in the Erie canal during the freshets of the spring of 1873.

For aiding in the construction of a bridge over the Genesee river at Mount Morris, used as tow-path of the canal, three thousand dollars, or so much thereof as may be necessary.

For constructing one hundred feet of vertical wall on the berme side of the Erie canal in the village of Pittsford, in front of Eckler's warehouse, coal and lumber yard, commencing at the east end of the vertical wall already built, the sum of three hundred and thirteen dollars.

Amend section 3 by inserting after the word "seventy-three," in line 5 of said section, the words "being an act entitled 'An act to authorize a tax of seven-tenths of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers and expenses attending the same, and of the Canal Commissioners to pay certificates of indebtedness on interest now outstanding, and to supply deficiencies in appropriations for new work under act chapter 850 of the Laws of 1872, and to provide for deficiency in the sinking funds under sections 1 and 3 of article 7 of the Constitution.'"

Amend further by striking out all of section 6.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lincoln	Sherwood
Beardsley	Fay	Mackin	Slingerland
Berry	Friend	McAfee	Smith
Bishop	Gallagher	McGowan	Speaker
Bordwell	Green	McGroarty	Stacy
Braman	Hammond	Oakley	Stauf
Broas	Hanrahan	O'Keefe	Stephens
Brogan	Hauschel	Page	Struble
Burtis	Holmes	Petty	Talmage
Calkins	Houghton	Prince	G. Taylor

T. C. Campbell	Hussey	Ransom	Tewksbury
T. J. Campbell	Husted	Rich	Vosburgh
Clark	Ives	Russell	Wellington
Cole	Keenan	Schenck	Wenzel
Comstock	Kirk	Schieffelin	West
Cooke	Kshinka	Schuyler	Whitmore
Costigan	Lawson	Scudder	Willis
Daggett	Lewis	Seward	Worth
Daly	Lillybridge	Shattuck	Yost
Davis			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act to abandon the further use by the people of the State of New York of the buildings, lands and premises in the county of Albany used as a public arsenal, and to convey said buildings, lands and premises to the city of Albany," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 28, strike out the word "but" and insert the words "and the Commissioners of the Land Office are hereby authorized and directed to cause." Line 29, after the word "lands" strike out the remainder of the line and insert the words "to be appraised by three disinterested appraisers to be appointed by them, and on the payment by the city of Albany of the amount of such appraisal into the treasury of the State, said commissioners shall convey all the said buildings and improvements upon such lands." After the word "practicable" in line 31 strike out the remainder of the section.

Amend the title by striking out the word "premises," first occurring, and inserting the word "improvements," also, the words "lands" and "premises" second occurring, and insert instead of the word "premises" the word "improvements."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Shattuck
Badger	Dessar	Law	Sherwood
Barkley	Edson	Lawrence	Shiel
Beach	Ely	Lewis	Silverman
Beardsley	Farrar	Lillybridge	Slingerland
Bennett	Faulkner	Mackin	Smith
Berry	Fay	McGowan	Stacy
Bishop	Friend	McGroarty	Stauf
Bordwell	Gallagher	J. W. Miller	Stephens
Bradley	Griffin	W. Miller	Talmage
Braman	Hammond	Muller	G. Taylor
Broas	Hauschel	O'Keefe	Tewksbury
Brown	Hepburn	Peck	Tremain
Burtis	Hess	Petty	Vosburgh

Calkins	Hogan	Pierson	Waehner
T. C. Campbell	Holmes	Prince	Wenzel
T. J. Campbell	Hussey	Ransom	Whitmore
Clark	Husted	Rich	Willis
Cleary	W. Johnson	Russell	Witbeck
Cole	W. A. Johnson	Sanford	Worth
Cooke	Kennaday	Schenck	Wurts
Costigan	Kirk	Schuyler	Yost
Daly	Krack	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to reduce rates of ferriage on certain ferry routes between the city of New York and the seventeenth ward of the city of Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, strike out all of section down to and including the word "limits" in line 6, and insert the following: "On and after the passage of this act it shall not be lawful for any person or corporation operating any ferry along that portion of the city of New York between Houston and Thirty-fourth streets and the seventeenth ward of the city of Brooklyn." Same section, strike out all of line 9 down to and including the word "package" in line 10.

Section 3, line 6, after the word "specified" insert the words "when the same can be done with safety."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Seward
Badger	Edson	Law	Shattuck
Barrow	Ely	Lawson	Sherwood
Beach	Faulkner	Lillybridge	Shiel
Benedict	Fay	Lincoln	Slingerland
Bennett	Friend	McAfee	Speaker
Berry	Gallagher	McGowan	Stauf
Bordwell	Green	McGroarty	Struble
Bradley	Hammond	J. W. Miller	Talmage
Braman	Hauschel	Muller	G. Taylor
Brogan	Hepburn	Oakley	Tewksbury
Burtis	Hess	Page	Vedder
Calkins	Hogan	Petty	Vosburgh
T. C. Campbell	Houghton	Pope	Wellington
T. J. Campbell	Hussey	Ransom	Wenzel
Clark	Ives	Reilly	West
Cleary	W. Johnson	Roscoe	Willis

Cole  
Comstock  
Costigan  
Daggett  
Davis

Keenan  
Kennaday  
Kirk  
Krack

Russell  
Sanford  
Schieffelin  
Schuyler

Witbeck  
Worth  
Wurts  
Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to amend the act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State,' passed November 15, 1847," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 15, strike out the word "Allegany" and insert the word "said." Change the word "reservation" to "reservations."

Page 3, line 10, strike out the words "any justice of the peace in the town," and insert the words "the county judge of the county." Lines 11 and 12, strike out the words "justices of the peace within such town," and insert the words "the county judge of Chautauqua and Cattaraugus counties."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 ;  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Badger  
Barkley  
Beach  
Beardsley  
Benedict  
Berry  
Bishop  
Bowen  
Bradley  
Broas  
Brogan  
Burtis  
Calkins  
T. C. Campbell  
T. J. Campbell  
Clark  
Cleary  
Cole  
Comstock  
Costigan

Daly  
Davis  
Decker  
Edson  
Ely  
Faulkner  
Fay  
Friend  
Gedney  
Griffin  
Hammond  
Hauschel  
Hess  
Hogan  
Holmes  
Hussey  
Ives  
W. Johnson  
Keenan  
Kennaday  
Kirk

Krack  
Kshinka  
Lawrence  
Lawson  
Lewis  
Lincoln  
McAfee  
McGowan  
Merwin  
J. W. Miller  
Muller  
O'Keefe  
Peck  
Petty  
Pope  
Ransom  
Rich  
Roscoe  
Russell  
Schenck  
Schuyler

Scudder  
Shattuck  
Sherwood  
Silverman  
Slingerland  
Speaker  
Stacy  
Stephens  
Struble  
Talmage  
W. F. Taylor  
Tewksbury  
Vedder  
Vosburgh  
Wellington  
West  
Willis  
Witbeck  
Worth  
Wurts  
Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.



The Senate returned the bill entitled "An act relating to lands in the old military tract sold by the State Engineer and Surveyor," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, lines 1 and 2, strike out the words "and the State Engineer and Surveyor are" and insert the word "is." Line 3, strike out the word "their" and insert the word "his." Line 10, strike out the word "their" and insert the word "his."

Section 2, line 2, after the word "valid" insert the words "and that the State in justice and equity ought to refund the moneys paid therefor."

Line 4, after the word "severally" insert the words "which in the opinion of the Attorney-General the State in justice and equity ought to refund."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Krack	Seward
Badger	Davis	Kshinka	Shattuck
Barkley	Decker	Lawrence	Sherwood
Barrow	Edson	Lewis	Shiel
Beardsley	Ely	Lincoln	Slingerland
Benedict	Faulkner	Mackin	Smith
Berry	Fay	McGowan	Stacy
Bishop	Fish	McGroarty	Stephens
Bordwell	Friend	J. W. Miller	Struble
Bradley	Gedney	W. Miller	Talmage
Braman	Green	Oakley	G. Taylor
Broas	Hammond	Page	Tewksbury
Brown	Hanrahan	Peck	Vedder
Burtis	Hepburn	Pierson	Vosburgh
Calkins	Hinckley	Pope	Wellington
T. C. Campbell	Holmes	Ransom	Wenzel
T. J. Campbell	Houghton	Reilly	West
Clark	Hussey	Roscoe	Willis
Cleary	Ives	Russell	Witbeck
Cole	W. A. Johnson	Schenck	Worth
Comstock	Kennaday	Schieffelin	Wurts
Costigan	Kirk	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 1, after the word "of" insert the words "chapter 387 of the Laws of 1872."



Insert as section 2 the following:

"§ 2. The common council of said city is hereby also authorized, if in their opinion it shall be deemed necessary for the completion and extension of the water-works of said city, in the manner heretofore prescribed by law, at a rate of interest not exceeding seven per cent per annum, payable in not more than thirty years, but the amount of such bonds shall not exceed the sum of three hundred thousand dollars, and such bonds shall not be sold at less than par. Said common council is hereby authorized and directed to raise from time to time upon the estates, real and personal, subject to tax in said city, the sum or sums which may be required for the completion and extension of said water, works, and to redeem them at maturity."

Change section 2 to section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Seward
Badger	Decker	Law	Shattuck
Barkley	Edson	Lawrence	Sherwood
Beach	Ely	Lewis	Shiel
Beardsley	Faulkner	Lincoln	Silverman
Bennett	Fish	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	McGroarty	Stauf
Bowen	Green	J. W. Miller	Stephens
Bradley	Hammond	W. Miller	Talmage
Broas	Hanrahan	Oakley	G. Taylor
Brogan	Hauschel	Page	Tewksbury
Brown	Hess	Peck	Tremain
Burtis	Hinckley	Petty	Vosburgh
Calkins	Holmes	Pierson	Waehner
T. C. Campbell	Hussey	Pope	Wenzel
T. J. Campbell	Husted	Ransom	West
Clark	W. Johnson	Rich	Willis
Cleary	Keenan	Roscoe	Witbeck
Cole	Kennaday	Sanford	Worth
Cooke	Kirk	Schenck	Wurts
Costigan	Krack	Schuyler	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to provide for the election of police justices in villages," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 18, after the word "office" insert the words "and a bond with sureties in such sum as the board of trustees shall prescribe, and to be approved by such board conditioned for the faithful perform-

ance of his official duties." Add at the end of section 1 the following "and board as hereinbefore provided."

Add at the end of section 3 the following: "The provisions of this act shall not apply to any village in the county of Madison."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Davis	Kshinka	Scudder
Barkley	Decker	Law	Shattuck
Barrow	Edson	Lawrence	Shiel
Beardsley	Ely	Lewis	Slingerland
Benedict	Farrar	Lillybridge	Smith
Bennett	Faulkner	Lincoln	Stacy
Bishop	Friend	McAfee	Stauf
Bordwell	Gallagher	McGowan	Struble
Bradley	Green	Merwin	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Brogan	Hammond	Muller	Tewksbury
Brown	Hauschel	O'Keefe	Tremain
Burtis	Hess	Peck	Vedder
Calkins	Hinckley	Petty	Vosburgh
T. C. Campbell	Holmes	Pierson	Waehner
T. J. Campbell	Houghton	Pope	Wenzel
Clark	Husted	Ransom	Whitmore
Cleary	W. Johnson	Reilly	Witbeck
Cole	W. A. Johnson	Roscoe	Worth
Cooke	Kennaday	Russell	Wurts
Costigan	Kirk	Schenck	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the reduction of the capital stock of the New York Loan and Indemnity Company in the city of New York, and to change its corporate name," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 4, strike out the words "a majority" and insert the word "two-thirds." Line 5, after the word "company" insert the words "at a meeting called for that purpose, of which at least ten days' previous notice shall be given to each stockholder."

Add at the end of section 1 the following: "Provided that nothing herein contained shall affect contracts made before its passage, nor any action or proceeding now pending, nor shall any reduction of the capital stock be voted until the debts of the corporation shall have been fully paid."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Davis	Kshinka	Sherman
Barrow	Dessar	Law	Sherwood
Beach	Edson	Lawson	Shiel
Beardsley	Ely	Lewis	Slingerland
Bennett	Fay	Mackin	Smith
Bishop	Fish	McAfee	Speaker
Bordwell	Friend	McGroarty	Stauf
Bradley	Gallagher	J. W. Miller	Struble
Braman	Gedney	W. Miller	Talmage
Brogan	Griffin	Oakley	G. Taylor
Brown	Hanrahan	O'Keefe	Tewksbury
Burtis	Hanschel	Page	Vedder
Calkins	Hess	Petty	Vosburgh
T. C. Campbell	Hogan	Pierson	Wellington
T. J. Campbell	Holmes	Prince	Wenzel
Clark	Houghton	Ransom	Whitmore
Cleary	Husted	Rich	Willis
Coffey	Ives	Russell	Witbeck
Cole	W. Johnson	Schenck	Worth
Cooke	W. A. Johnson	Schieffelin	Wurts
Costigan	Kirk	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 291 of the Laws of 1867, entitled 'An act to incorporate the city of Binghamton and the several acts amendatory thereof,'" with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, strike out all of the section after the word "Binghamton" in line 2, and insert as follows: "commencing at the north-west corner of lot No. 31, Bingham's patent, running thence east on the north line of Bingham's patent to the north-east corner of lot No. 27; thence south on the line of lot No. 27 to the Susquehanna river; thence across the Susquehanna river to the north-east corner of lot No. 13 in said patent; thence south along the east line of said lot No. 13 to the south line of Bingham's patent; thence west along the south line of Bingham's patent to the east line of lot No. 2 of Sidney's or Cooper's patent; thence south along the east line of said lot No. 2 about four thousand seven hundred feet; thence west parallel with the south line of Bingham's patent dividing lots Nos. 2 and 3 of said Sidney's or Cooper's patent to a point opposite the west line of lot No. 31 in said patent; thence north across the Susquehanna river to the south-west corner of lot No. 31; and thence north along the west line of lot No. 31 to the

place of beginning ; reference being had to the map of Bingham's patent, recorded in Broome county clerk's office, in book of deeds No. 4, page 67."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Scudder
Badger	Decker	Kshinka	Shattuck
Barkley	Edson	Law	Sherwood
Beach	Ely	Lawson	Shiel
Beardsley	Farrar	Lillybridge	Silverman
Benedict	Faulkner	Lincoln	Smith
Bennett	Fay	McAfee	Speaker
Bishop	Fish	McGowan	Stacy
Bordwell	Friend	McGroarty	Stauf
Bradley	Gallagher	J. W. Miller	Struble
Braman	Green	Muller	Talmage
Brogan	Griffin	Oakley	W. F. Taylor
Brown	Hammond	Page	Tewksbury
Burtis	Hauschel	Peck	Vedder
Calkins	Hess	Pierson	Vosburgh
T. C. Campbell	Hinckley	Pope	Wellington
T. J. Campbell	Holmes	Ransom	West
Clark	Houghton	Reilly	Willis
Cleary	Husted	Rich	Witbeck
Cole	Ives	Russell	Worth
Comstock	W. Johnson	Schenck	Wurts
Costigan	Keenan	Schieffelin	Yost
Daly	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to authorize the formation of corporations for the safe keeping and guarantying of personal property," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert the following:

"SECTION 1. At any time hereafter, any thirteen or more persons who may desire to form a company for the purpose of taking and receiving upon deposit as bailee for safe keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, securities and valuable papers of any kind, and other valuables, and guarantying their safety upon such terms and for such compensation as may be agreed on by such company and the respective bailors thereof, and to let out vaults and safes and other receptacles for the uses and purposes of such corporation, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county

in which the business of the corporation shall be carried on, and duplicates thereof in the office of the Secretary of State and in the banking department of the State, a certificate in writing, in which shall be stated the corporate name of the said corporation, which shall be in no material respect similar to the name of any other corporation organized and engaged in the business of receiving valuables on deposit for safe keeping, for hire, or of letting out safes, and doing business in the same or an adjoining county, and the objects for which the corporation shall be formed, the amount of the capital stock of the said corporation (which shall not be less than one hundred thousand dollars, nor less than two hundred thousand dollars if located in any town or city of over one hundred thousand inhabitants, nor exceeding one million dollars), and no corporation organized under this act shall be authorized to commence business until the amount of stock so taken shall have been in good faith paid in in cash, the term of its existence not to exceed fifty years, the number of shares of which the said stock shall consist, the number of trustees and their names, residence, occupation and post-office address, who shall manage the concerns of said corporation for the first year, and the name of the place in which the operations of the said corporation are to be carried on. Such certificate shall be accompanied by a declaration, signed by the persons so named as trustees, that they will respectively accept the responsibilities and faithfully discharge the duties of a trustee in such corporation, when authorized, according to the provisions of this act. But the capital stock of any corporation organized under this act may be increased to an amount not to exceed one million dollars by the board of directors, on application in writing, signed by the stockholders representing a majority of the stock. A statement of such increase shall be filed in the offices as aforesaid.

“§ 2. A notice of intention to organize such corporation shall be published at least once a week for five weeks previous to filing the certificate of association as provided in section one, in at least one daily newspaper of the largest circulation published in the city, village or town where such corporation is proposed to be located, which notice shall contain a copy of the certificate to be filed as provided in the first section of this act.

“§ 3. Upon the receipt of any such certificate of association at the office of the banking department, if the same is in due form and duly executed according to the provisions of section one of this act, and is accompanied by evidence satisfactory to the superintendent of the proper publication of the notice required in the last preceding section, he shall forthwith indorse the same over his official signature ‘filed for examination,’ with the date of such indorsement.

“§ 4. If such certificate shall not be in form and substance as required by section one of this act, or shall not be duly and properly acknowledged as required by said section, or shall not be accompanied by evidence satisfactory to the superintendent of the publication, according to the intent and purpose of this act, of the notice required by section two of this act, the superintendent shall refuse to file such certificate until the same shall be amended in such form as he shall direct, or until satisfactory evidence of the publication of such notice shall be furnished to him.

“§ 5. It shall be the duty of the Superintendent of the Banking Department, and he shall have power in regard to any certificate of association so filed by him as hereinbefore provided to ascertain from the best sources of information at his command:

" 1. Whether the responsibility, character and general fitness for the discharge of the duties appertaining to such a trust, of the persons named in such certificate, are such as to command the confidence of the community in which such corporation is proposed to be located in an institution organized and conducted under such auspices.

" 2. Whether the building proposed to be occupied by such corporation for the purposes hereinbefore described is of such construction as a fire-proof building as to afford adequate protection against the risk of loss or damage by fire.

" 3. Whether the vault or vaults proposed to be used by the said company, for the purposes hereinbefore described, are so constructed as burglar-proof vaults as to afford adequate protection against risk of loss by burglary or violence.

" § 6. If the superintendent shall be satisfied from his knowledge, or from information gained concerning the several points named in the last preceding section, that the organization of such corporation as proposed in such certificate will be a public benefit, he shall, within sixty days after the same has been filed by him for examination, issue, under his hand and official seal, a certificate of authorization to the persons named in such certificate as trustees of such corporation, which certificate, so issued by him, shall authorize the persons named therein to open an office for the transaction of the business designated in section one of this act, subject to the provisions of this act; provided, however, that no person shall be named in such certificate of authorization who shall not have duly made and acknowledged the declaration prescribed in section one of this act.

" § 7. The superintendent shall transmit such certificate of authorization to the county clerk of the county in which the business of said corporation so authorized is to be carried on, who shall file the same and attach it to the certificate of association previously filed by him, relating to the organization of such corporation, and he shall also file a duplicate copy of such certificate in his own office.

" § 8. If the superintendent shall not be satisfied that the establishment of such corporation, as proposed in any certificate of association filed by him, is expedient and desirable he shall, within sixty days after the filing of such certificate by him, give notice to the county clerk of the county in which such corporation is proposed to be located, that he refuses to issue a certificate of authorization for such corporation, which notice shall forthwith be filed by the county clerk with the certificate of association of such corporation.

" § 9. When the certificate of authorization shall have been filed, as aforesaid, the persons named therein and their successors shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any of the courts of this State, and they and their successors may have a common seal, and may make and alter the same at pleasure, and they shall by their corporate name be capable in law of leasing, purchasing, holding and conveying any real and personal estate whatever which may be necessary to enable the said corporation to carry on its operations named in such certificate; but nothing in this act contained shall be construed to allow the said corporation to make any loan or advance upon any property left with it on storage or for safe keeping.

" § 10. The stock, property and concerns of such corporation shall be



managed by not less than thirteen trustees, who shall respectively be stockholders of such company and citizens of the United States, and a majority of whom shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such election shall be published not less than ten days previous thereto in a newspaper printed in the town or city in which the operations of the said corporation shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said corporation, and the persons receiving the greatest number of votes shall be declared to be elected trustees, and when any vacancy shall happen among the trustees by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the said corporation. No person shall be permitted to vote upon the proxy of a stockholder in any such corporation after the lapse of eleven months from the date thereof, unless the stockholder shall have specified therein that it is to continue in force for some longer and limited time.

“§ 11. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the said by-laws; and all acts of trustees shall be valid and binding as against such corporation until their successors shall be elected.

“§ 12. There shall be a president of the corporation, who shall be designated from among the number of the trustees, and also such subordinate officers as the corporation by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices as the corporation by its by-laws may require.

“§ 13. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiture of the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand of the same, or notice requiring such payment shall have been published for six successive weeks in a newspaper printed in the city or town in which the business of the corporation shall be carried on as aforesaid, and a copy thereof mailed, postage prepaid, to the last known place of residence.

“§ 14. The trustees of such corporation shall have power to make such by-laws as they shall deem proper for the management, disposition of the stock, property and business affairs of such company, not inconsistent with the laws of this State and of the United States, and prescribing the duties of officers and servants that may be employed, the manner of the appointment and election of all officers, and for carrying on all kinds of business within the objects and purposes of said corporation.

“§ 15. The stock of such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the



by-laws of the corporation; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such corporation to use any of its funds in the purchase of any stock in any other corporation, or to hold the same, except as collateral security to a prior indebtedness.

“§ 16. The stockholders of any corporation organized under the provisions of this act shall be jointly and severally liable for all debts that may be due and owing by said corporation, to an amount equal to the par value of their stock in said corporation, over and above such stock, to be recovered of the stockholders who are such when the debt is contracted or the loss or damage sustained, or of any subsequent stockholder; and any stockholder who may have paid any demand against such company, either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders who are liable to contribution. And the dissolution of such corporation shall not release or affect the liability of any stockholder which may have been incurred before such dissolution.

“§ 17. Whenever any deposit shall be made with any corporation organized under this act by any person being an alien, or minor, or a woman being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of any persons whatsoever, except creditors, and shall be delivered according to the certificate of deposit given therefor, and the receipt or acquittance of such alien, minor or female, or of the person designated in said certificate of deposit, or on the books of the company, shall be a valid and sufficient release and discharge for such deposit to such corporation. And whenever any deposit shall be made with such company by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such corporation, in the event of the death of the trustee the deposit so made may be delivered to the person named in the certificate of deposit given therefor by said corporation or on its books as the cestui que trust.

“§ 18. In all actions in any court of this State against any corporation organized under this act by a husband to recover any deposit made with such company, by or for his wife in her own name, or as her own property, or by a wife for any deposit made by or for her husband, in his own name as his own property, such husband or wife may be examined and testify as a witness in like manner as if he or she were an unmarried man or woman. And in all actions against any such corporation to recover property on deposit therewith, if there be any person or persons, whether husband and wife or otherwise, claiming the same property, who are not parties to the action, the court in which such action is pending shall, on the petition of such corporation, and upon five days' notice to the plaintiff and such other claimants, make an order amending the proceedings in such action by making such claimants parties defendant thereto. And the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said property. The said property or deposit, which is the subject of the said action, shall remain with such corporation at the same rate as named in the certificate of deposit given therefor, to the credit of the action, until final judgment therein, and the same shall be delivered by such corporation, in accordance with the pro-

visions of such final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, and any costs of said action incurred by said corporation shall be a lien on the property or deposit affected by such action, or the said property or deposit may be delivered into court to await the final determination of said action; and whenever such property or deposit shall be so delivered by such corporation, such corporation shall thereupon be stricken out as a party to said action, and its liability for such property or deposit shall cease.

"§ 19. The last two preceding sections (sections seventeen and eighteen) of this act shall apply equally to every corporation organized under the laws of this State for purposes similar to those provided for in this act, and engaged in the business of receiving valuables on deposit for safe-keeping for hire.

"§ 20. This act shall take effect immediately."

The amendment having been read,

Mr. T. C. Campbell moved that the Assembly do non-concur in the same, that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion; and it was determined in the affirmative.

Mr. Speaker appointed Messrs. T. C. Campbell, Schuyler, McGowan, Prince and Husted as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendment, and request a committee of conference thereon.

The Senate returned the bill entitled "An act to authorize a tax of thirty-five one-hundredths of a mill per dollar on the valuation of the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," with a message informing that they assent to a committee of conference thereon, and have appointed as such committee on the part of the Senate, Messrs. Cole, Connelly and Johnson.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. King, Int. No. 15, entitled "An act relating to the court of arbitration of the Chamber of Commerce of the State of New York, and to provide for the expenses thereof," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

The Senate bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord  
Badger

Davis  
Edson

Lawrence  
Lawson

Shattuck  
Sherman

Barkley	Ely	Lewis	Sherwood
Beach	Farrar	Lincoln	Shiel
Beardsley	Faulkner	Mackin	Slingerland
Bennett	Fay	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bordwell	Gallagher	McGroarty	Stauf
Brown	Green	J. W. Miller	Stephens
Bradley	Griffin	W. Miller	Talmage
Broas	Hammond	Oakley	G. Taylor
Brogan	Hanrahan	O'Keefe	Tewksbury
Burtis	Hauschel	Peck	Vedder
Calkins	Hinckley	Petty	Vosburgh
T. C. Campbell	Holmes	Pope	Wellington
T. J. Campbell	Hussey	Prince	Wenzel
Clark	Husted	Reilly	Whitmore
Cleary	W. Johnson	Rich	Willis
Coffey	W. A. Johnson	Russell	Witbeck
Comstock	Kennaday	Sanford	Worth
Cooke	Kirk	Schenck	Wurts
Daggett	Krack	Schieffelin	Yost
Daly	Kshinka	Scudder	

For the negative,

Hess

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Shattuck
Badger	Decker	Kshinka	Sherwood
Barkley	Dessar	Law	Shiel
Barrow	Edson	Lawson	Silverman
Beach	Farrar	Lillybridge	Smith
Beardsley	Fay	Mackin	Speaker
Benedict	Fish	McAfee	Stauf
Berry	Fream	McGroarty	Struble
Bishop	Gedney	Merwin	Talmage
Bowen	Green	W. Miller	W. F. Taylor
Bradley	Hammond	Oakley	Tewksbury
Braman	Hanrahan	O'Keefe	Tremain
Brogan	Hepburn	Peck	Vedder

Brown	Hess	Petty	Waehner
Burtis	Hinckley	Pope	Wellington
Calkins	Holmes	Prince	Wenzel
T. C. Campbell	Hussey	Reilly	West
T. J. Campbell	Husted	Rich	Willis
Clark	W. Johnson	Russell	Witbeck
Cleary	Keenan	Schenck	Worth
Cole	Kennaday	Schieffelin	Wurts
Cooke	Kirk	Scudder	Yost
Costigan			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schuyler
Badger	Decker	Kshinka	Soudder
Barkley	Dessar	Law	Shattuck
Barrow	Ely	Lawson	Sherman
Beach	Farrar	Lewis	Shiel
Benedict	Faulkner	Lincoln	Slingerland
Bennett	Fay	Mackin	Speaker
Bishop	Friend	McGowan	Stauf
Bordwell	Gallagher	Merwin	Struble
Bradley	Green	J. W. Miller	Talmage
Braman	Hammond	Muller	W. F. Taylor
Brogan	Hanrahan	Oakley	Tremain
Brown	Hauschel	O'Keefe	Vedder
Burtis	Hess	Peck	Waehner
Calkins	Hinckley	Petty	Wellington
T. C. Campbell	Holmes	Pierson	Wenzel
T. J. Camphell	Houghton	Prince	West
Clark	Husted	Reilly	Willis
Cleary	W. Johnson	Rich	Witbeck
Cole	Keenan	Russell	Worth
Comstock	Kennaday	Sanford	Wurts
Cooke	Kirk	Schieffelin	Yost
Daggett			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 51 of the Laws of 1864, entitled 'An act in relation to the Bureau of Military Statistics,' " as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Shattuck
Badger	Decker	Kshinka	Sherwood
Barkley	Dessar	Lawrence	Silverman
Beach	Ely	Lewis	Slingerland
Benedict	Farrar	Lillybridge	Speaker
Bennett	Fay	Mackin	Stauf
Berry	Fish	McGowan	Stephens
Bordwell	Friend	Merwin	Talmage
Bowen	Gedney	W. Miller	G. Taylor
Bradley	Green	Muller	Tewksbury
Broas	Hammond	Page	Tremain
Brown	Hauschel	Peck	Vedder
Burtis	Hepburn	Pierson	Waehner
Calkins	Hess	Prince	Wenzel
T. C. Campbell	Hogan	Reilly	West
T. J. Campbell	Houghton	Rich	Willis
Clark	Husted	Roscoe	Witbeck
Cleary	W. Johnson	Sanford	Worth
Cole	W. A. Johnson	Schenck	Wurts
Comstock	Kennaday	Schuyler	Yost
Costigan	Kirk	Seward	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Masonic Hall Association of the village of Hornellsville,' passed April 27, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Seward
Badger	Decker	Kshinka	Sherman
Barkley	Dessar	Lawrence	Sherwood
Barrow	Edson	Lewis	Shiel
Beardsley	Ely	Lillybridge	Slingerland
Benedict	Faulkner	Mackin	Smith
Berry	Fay	McAfee	Speaker
Bishop	Fish	McGowan	Stauf
Bowen	Friend	Merwin	Struble
Bradley	Gedney	J. W. Miller	G. Taylor

Broas	Green	Muller	W. F. Taylor
Brogan	Hammond	O'Keefe	Tremain
Brown	Hanrahan	Page	Vedder
Burtis	Hepburn	Petty	Vosburgh
Calkins	Hess	Pierson	Wellington
T. C. Campbell	Hogan	Prince	Wenzel
T. J. Campbell	Holmes	Reilly	West
Clark	Hussey	Rich	Willis
Coffey	Husted	Russell	Witbeck
Comstock	Ives	Schenck	Worth
Cooke	W. A. Johnson	Schieffelin	Wurts
Daggett	Kennaday	Scudder	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Seward
Badger	Edson	Lawson	Sherman
Barkley	Farrar	Lillybridge	Sherwood
Beach	Faulkner	Mackin	Silverman
Beardsley	Fish	McAfee	Smith
Bennett	Friend	McGroarty	Speaker
Berry	Gallagher	Merwin	Stauf
Bordwell	Green	J. W. Miller	Struble
Bowen	Griffin	Muller	Talmage
Bradley	Hammond	Oakley	W. F. Taylor
Broas	Hauschel	O'Keefe	Tewksbury
Brogan	Hess	Peck	Tremain
Burtis	Hinckley	Petty	Vosburgh
Calkins	Holmes	Pierson	Wellington
T. C. Campbell	Houghton	Pope	Wenzel
T. J. Campbell	Husted	Prince	West
Clark	Ives	Reilly	Whitmore
Coffey	W. A. Johnson	Roscoe	Willis
Cole	Kennaday	Russell	Witbeck
Cooke	Kirk	Schenck	Worth
Costigan	Krack	Schieffelin	Wurts
Daly	Kshinka	Scudder	Yost
Davis			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to make town one, range eight, of the Holland Land Company survey, located in the town of South Valley, Cattaraugus county, a separate road district, and provide for a commissioner of highways for said district, and also to appropriate money to repair a bridge over the Allegany river on the Indian reservation in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kshinka	Scudder
Badger	Daly	Law	Shattuck
Barkley	Dessar	Lawrence	Sherman
Barrow	Edson	Lewis	Shiel
Beach	Ely	Lillybridge	Slingerland
Beardsley	Farrar	Lincoln	Smith
Benedict	Fay	McGowan	Stacy
Berry	Fish	McGroarty	Stephens
Bishop	Friend	Merwin	Struble
Bordwell	Gedney	J. W. Miller	Talmage
Bradley	Green	Muller	W. F. Taylor
Braman	Hanrahan	Oakley	Tremain
Brogan	Hauschel	Page	Vedder
Brown	Hess	Peck	Waehner
Burtis	Hinckley	Petty	Wellington
Calkins	Holmes	Pierson	Wenzel
T. C. Campbell	Hussey	Prince	West
T. J. Campbell	Husted	Reilly	Whitmore
Clark	Ives	Rich	Willis
Cleary	W. Johnson	Russell	Witbeck
Cole	W. A. Johnson	Sanford	Worth
Comstock	Kennaday	Schenck	Wurts
Cooke	Kirk	Schuyler	Yost
Costigan	Krack		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize and direct the mayor, aldermen and commonalty of the city of New York to pay to the county of Westchester claims and demands due said county of Westchester, from said city and county of New York, growing out of the annexation to said city and county of New York of the late towns of Morrisania, West Farms and Kingsbridge," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Scudder
Badger	Decker	Kshinka	Shattuck
Barkley	Dessar	Law	Sherman
Barrow	Ely	Lawson	Sherwood
Beach	Farrar	Lewis	Silverman
Benedict	Fay	Lincoln	Smith
Bennett	Friend	Mackin	Speaker
Berry	Gallagher	McGowan	Stauf
Bordwell	Green	Merwin	Struble
Bowen	Griffin	W. Miller	Talmage
Braman	Hanrahan	Muller	W. F. Taylor
Brogan	Hauschel	Oakley	Tremain
Brown	Hess	Page	Vedder
Calkins	Hinckley	Petty	Vosburgh
T. C. Campbell	Holmes	Pierson	Waehner
T. J. Campbell	Houghton	Prince	Wenzel
Clark	Husted	Reilly	Whitmore
Coffey	Ives	Roscoe	Witbeck
Comstock	W. A. Johnson	Sanford	Worth
Cooke	Kennaday	Schieffelin	Wurts
Daggett	Kirk	Schuyler	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure founded thereon," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Scudder
Badger	Dessar	Lawson	Seward
Barrow	Edson	Lillybridge	Sherman
Beardsley	Farrar	Lincoln	Sherwood
Benedict	Faulkner	Mackin	Silverman
Bennett	Fish	McGowan	Smith
Bishop	Friend	McGroarty	Speaker
Bordwell	Gedney	J. W. Miller	Stauf
Bradley	Griffin	W. Miller	Struble
Braman	Hanrahan	Oakley	Talmage
Brogan	Hepburn	O'Keefe	G. Taylor
Brown	Hess	Page	Tewksbury
Calkins	Hogan	Petty	Vedder
T. C. Campbell	Houghton	Pierson	Waehner
T. J. Campbell	Hussey	Prince	Wenzel

Clark	Ives	Ransom	West
Cleary	W. Johnson	Rich	Willis
Cole	Kennaday	Roscoe	Worth
Comstock	Kirk	Russell	Wurts
Costigan	Krack	Schenck	Yost
Daly	Kshinka	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to repeal section 8 of chapter 130 of Laws of 1870, being an act authorizing the town of Friendship to raise moneys by tax in aid of Friendship Academy," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Decker	Lawrence	Shattuck
Badger	Edson	Lawson	Sherwood
Barrow	Ely	Lillybridge	Shiel
Beach	Farrar	Lincoln	Slingerland
Benedict	Fish	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	Merwin	Stauf
Bowen	Gedney	J. W. Miller	Struble
Braman	Griffin	Oakley	Talmage
Brogan	Hanrahan	O'Keefe	W. F. Taylor
Brown	Hauschel	Peck	Tremain
Burtis	Hess	Petty	Vedder
Calkins	Hogan	Pierson	Waehner
T. C. Campbell	Holmes	Prince	Wenzel
T. J. Campbell	Hussey	Reilly	West
Clark	Ives	Rich	Willis
Coffey	W. A. Johnson	Russell	Witbeck
Cole	Keenan	Sanford	Worth
Cooke	Kirk	Schieffelin	Wurts
Costigan	Krack	Schuyler	Yost
Davis	Kshinka	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Shattuck
Badger	Edson	Lawrence	Sherwood
Barkley	Farrar	Lillybridge	Silverman
Beach	Faulkner	Lincoln	Slingerland
Beardsley	Fay	McAfee	Speaker
Bennett	Friend	McGroarty	Stauf
Bishop	Gallagher	Merwin	Stephens
Bordwell	Green	W. Miller	Talmage
Bradley	Hammond	Muller	G. Taylor
Braman	Hauschel	O'Keefe	Tewksbury
Brogan	Hepburn	Peck	Tremain
Brown	Hinckley	Pierson	Vedder
Calkins	Holmes	Prince	Vosburgh
T. C. Campbell	Hussey	Ransom	Wellington
T. J. Campbell	Husted	Reilly	West
Clark	W. Johnson	Roscoe	Whitmore
Coffey	W. A. Johnson	Sanford	Witbeck
Comstock	Keenan	Schenck	Worth
Costigan	Kennaday	Schuyler	Wurts
Daly	Kirk	Seward	Yost
Davis	Krack		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal Church in the diocese of Western New York,' passed March 26, 1863," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Scudder
Badger	Davis	Krack	Shattuck
Barkley	Dessar	Kshinka	Sherwood
Barrow	Edson	Law	Shiel
Beardsley	Ely	Lawson	Slingerland
Bennett	Fay	Lillybridge	Smith
Berry	Fish	Lincoln	Stauf
Bordwell	Friend	Mackin	Stephens
Bradley	Gallagher	McGowan	Struble
Braman	Griffin	McGroarty	G. Taylor
Brogan	Hammond	J. W. Miller	W. F. Taylor
Brown	Hanrahan	Muller	Tremain
Burtis	Hepburn	Oakley	Vedder

Calkins	Hess	Page	Waehner
T. C. Campbell	Hinckley	Peck	Wenzel
T. J. Campbell	Holmes	Pierson	Whitmore
Cleary	Hussey	Pope	Willis
Coffey	Ives	Rich	Witbeck
Comstock	W. Johnson	Russell	Worth
Cooke	W. A. Johnson	Schenck	Wurts
Costigan	Keenan	Schuyler	Yost

For the negative,

Reilly

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act relating to the powers and duties of the board of commissioners of charities of the county of Kings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Badger	Farrar	Lawrence	Shattuck
Barkley	Faulkner	Lewis	Sherwood
Beach	Fay	Lillybridge	Shiel
Benedict	Friend	Lincoln	Smith
Bennett	Gallagher	McAfee	Speaker
Berry	Green	McGowan	Stauf
Bishop	Griffin	McGroarty	Stephens
Bradley	Hammond	W. Miller	Talmage
Broas	Hauschel	Muller	G. Taylor
Brogan	Hepburn	O'Keefe	W. F. Taylor
Calkins	Hess	Page	Tremain
T. C. Campbell	Hogan	Peck	Vedder
T. J. Campbell	Holmes	Pierson	Waehner
Clark	Hussey	Pope	Wenzel
Cleary	Husted	Ransom	West
Cole	Ives	Rich	Whitmore
Cooke	W. Johnson	Roscoe	Witbeck
Costigan	Keenan	Sanford	Worth
Daly	Kirk	Schenck	Wurts
Davis	Krack	Schuyler	Yost
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church,' passed April 14, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

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majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 87 }**  
**{ NOES 00 }**

Those who voted in the affirmative, were

Alvord	Costigan	Kirk	Schieffelin
Badger	Daly	Krack	Schuyler
Barkley	Davis	Kshinka	Scudder
Barrow	Dessar	Lawrence	Shattuck
Beach	Ely	Lawson	Sherwood
Beardsley	Farrar	Lillybridge	Shiel
Bennett	Faulkner	Lincoln	Slingerland
Berry	Friend	Mackin	Smith
Bordwell	Gallagher	McGowan	Stacy
Bowen	Green	Merwin	Stauf
Bradley	Griffin	J. W. Miller	Struble
Broas	Hammond	Muller	G. Taylor
Brogan	Hauschel	Oakley	Tewksbury
Brown	Hepburn	O'Keefe	Vedder
Burtis	Hess	Peck	Vosburgh
Calkins	Hogan	Petty	Wellington
T. C. Campbell	Houghton	Pierson	West
Clark	Hussey	Prince	Willis
Cleary	Ives	Ransom	Worth
Coffey	W. Johnson	Rich	Wurts
Comstock	Keenan	Roscoe	Yost
Cooke	Kennaday	Sinford	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to further amend an act entitled 'An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines,' passed April 12, 1852," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 90 }**  
**{ NOES 00 }**

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Scudder
Badger	Edson	Lawson	Shattuck
Barkley	Farrar	Lewis	Sherman
Beach	Faulkner	Lillybridge	Shiel
Beardsley	Fay	Lincoln	Silverman
Benedict	Fish	McAfee	Smith
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	McGroarty	Stacy
Bowen	Green	Merwin	Stephens
Braman	Griffin	W. Miller	Struble

Brogan	Hanrahan	Muller	Talmage
Brown	Hepburn	O'Keefe	W. F. Taylor
Calkins	Hess	Page	Tewksbury
T. C. Campbell	Hogan	Peck	Vedder
T. J. Campbell	Holmes	Pierson	Waehner
Clark	Hussey	Pope	Wellington
Cleary	Husted	Ransom	West
Cole	Ives	Rich	Whitmore
Comstock	W. A. Johnson	Roscoe	Witbeck
Cooke	Keenan	Sanford	Worth
Costigan	Kennaday	Schenck	Wurts
Daly	Krack	Schuyler	Yost
Davis	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act providing for the appointment of trustees of the estates of persons absenting themselves from their domicils in this State and remaining unheard of, or suddenly disappearing," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 85 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Edson	Lewis	Seward
Barkley	Ely	Lillybridge	Shattuck
Barrow	Faulkner	Lincoln	Sherwood
Beach	Fish	McAfee	Shiel
Benedict	Friend	McGowan	Slingerland
Bennett	Green	McGroarty	Smith
Berry	Hammond	Merwin	Stacy
Bordwell	Hanrahan	J. W. Miller	Stephens
Bradley	Hepburn	Muller	Struble
Braman	Hinckley	Oakley	Talmage
Brogan	Hogan	Page	G. Taylor
Calkins	Holmes	Peck	Tewksbury
T. C. Campbell	Hussey	Pierson	Tremain
T. J. Campbell	Ives	Pope	Vedder
Clark	W. Johnson	Prince	Wellington
Cleary	Keenan	Reilly	Wenzel
Cole	Kennaday	Rich	West
Comstock	Kirk	Russell	Willis
Costigan	Krack	Schenck	Witbeck
Daggett	Kshinka	Schieffelin	Wurts
Davis	Lawrence	Schuyler	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to extend the operation and effect of

the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' " was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Costigan	Kirk	Rich
Badger	Daggett	Krack	Russell
Barkley	Davis	Kshinka	Sanford
Beach	Decker	Law	Schieffelin
Benedict	Edson	Lawson	Schuyler
Bennett	Farrar	Lillybridge	Seward
Berry	Faulkner	Lincoln	Shattuck
Bordwell	Friend	Mackin	Sherwood
Bowen	Gallagher	McGowan	Silverman
Braman	Green	McGroarty	Slingerland
Broas	Hammond	J. W. Miller	Stacy
Brogan	Hanrahan	Muller	Struble
Burtis	Hepburn	Oakley	G. Taylor
Calkins	Hess	O'Keefe	Tewksbury
T. C. Campbell	Hogan	Page	Vedder
Clark	Holmes	Petty	Waehner
Cleary	Hussey	Pierson	Wenzel
Coffey	Ives	Pope	West
Comstock	W. A. Johnson	Ransom	Worth
Cooke	Kennaday	Reilly	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess,' passed April 4, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Law	Seward
Badger	Edson	Lawrence	Sherman
Barkley	Farrar	Lillybridge	Shiel
Beach	Faulkner	Lincoln	Silverman
Benedict	Fish	Mackin	Smith
Berry	Friend	McGowan	Speaker



Bordwell	Gallagher	Merwin	Stauf
Bradley	Griffin	J. W. Miller	Stephens
Braman	Hanrahan	Oakley	Talmage
Brogan	Hepburn	O'Keefe	G. Taylor
Burtis	Hess	Peck	Tewksbury
Calkins	Hogan	Petty	Tremain
T. C. Campbell	Holmes	Pope	Vosburgh
T. J. Campbell	Hussey	Prince	Waehner
Clark	Husted	Reilly	Wenzel
Coffey	W. A. Johnson	Rich	Whitmore
Comstock	Kennaday	Russell	Willis
Cooke	Kirk	Schenck	Worth
Costigan	Krack	Schieffelin	Wurts
Daly	Kshinka	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also to amend an act to re-enact and amend the same, passed April 6, 1871, and to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at a higher elevation," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Scudder
Badger	Dessar	Lawrence	Shattuck
Barrow	Edson	Lillybridge	Sherwood
Beach	Ely	Lincoln	Shiel
Benedict	Faulkner	Mackin	Slingerland
Bennett	Fish	McAfee	Smith
Berry	Friend	McGowan	Stacy
Bordwell	Gedney	McGroarty	Stauf
Bradley	Griffin	Merwin	Talmage
Braman	Hammond	Muller	G. Taylor
Brogan	Hauschel	Oakley	Tewksbury
Brown	Hess	Page	Tremain
Calkins	Hinckley	Petty	Vosburgh
T. C. Campbell	Holmes	Pope	Wellington
T. J. Campbell	Hussey	Prince	Wenzel
Cleary	Husted	Ransom	Whitmore
Cole	W. Johnson	Rich	Witbeck
Cooke	Keenan	Russell	Wurts
Costigan	Kirk	Schenck	Yost
Daly	Krack	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act to amend chapter 344 of the Laws of 1860, entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860, and to define the term of office of the acting superintendent and auditing superintendent of the poor now in office under said act," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawson	Sherman
Badger	Edson	Lincoln	Shiel
Barrow	Ely	McAfee	Slingerland
Beardsley	Faulkner	McGowan	Smith
Bennett	Fish	McGroarty	Stacy
Berry	Gallagher	W. Miller	Stephens
Bordwell	Gedney	Oakley	Talmage
Bradley	Hammond	Page	G. Taylor
Braman	Hauschel	Peck	W. F. Taylor
Brogan	Hess	Petty	Tewksbury
Burtis	Hogan	Pope	Vedder
Calkins	Houghton	Ransom	Waehner
T. C. Campbell	Husted	Reilly	Wenzel
T. J. Campbell	W. Johnson	Rich	West
Clark	W. A. Johnson	Russell	Whitmore
Cleary	Kirk	Sanford	Willis
Cole	Krack	Schieffelin	Witbeck
Cooke	Kshinka	Schuyler	Wurts
Daggett	Law	Seward	Yost
Davis	Lawrence	Shattuck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn."

"An act entitled 'An act to amend chapter 574 of the Laws of 1871, as amended by chapter 738 of the Laws of 1872, in relation to the department of docks.'"

"An act for the preservation of fish in the Niagara river."

"An act to incorporate the fire department of the North Shore of Stated Island."

The bill entitled "An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kshinka	Shattuck
Badger	Decker	Lawrence	Sherwood
Barrow	Dessar	Lewis	Shiel
Beach	Ely	Lincoln	Slingerland
Benedict	Farrar	Mackin	Smith
Berry	Fay	McGowan	Stacy
Bishop	Friend	McGroarty	Stauf
Bowen	Gedney	J. W. Miller	Struble
Braman	Green	Muller	Talmage
Broas	Hammond	O'Keefe	W. F. Taylor
Brown	Hanrahan	Page	Tewksbury
Burtis	Hepburn	Petty	Vedder
Calkins	Hinckley	Pope	Waehner
T. C. Campbell	Holmes	Prince	Wenzel
T. J. Campbell	Hussey	Reilly	West
Clark	Ives	Rich	Willis
Coffey	W. Johnson	Russell	Witbeck
Cole	Kennaday	Schenck	Wurts
Cooke	Kirk	Schuyler	Yost
Costigan	Krack	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to repeal an act entitled 'An act to further provide for the rebuilding and repairing of sewers in the city of New York,' passed March 29, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Lewis	Shattuck
Badger	Edson	Lillybridge	Sherwood
Barkley	Farrar	Lincoln	Shiel
Beach	Faulkner	Mackin	Silverman
Beardsley	Fish	McGowan	Smith
Bennett	Friend	McGroarty	Speaker
Bishop	Gedney	J. W. Miller	Stauf
Bowen	Griffin	Muller	Stephens
Bradley	Hammond	Oakley	Struble
Broas	Hess	O'Keefe	Talmage
Brown	Hogan	Page	G. Taylor
Burtis	Holmes	Pierson	Tewksbury
Calkins	Hussey	Pope	Vosburgh
T. C. Campbell	Husted	Ransom	Wellington
Clark	W. Johnson	Reilly	Wenzel

Cleary	W. A. Johnson	Rich	West
Cole	Kirk	Roscoe	Willis
Cooke	Krack	Sanford	Witbeck
Daggett	Kshinka	Soudder	Wurts
Davis	Lawrence	Seward	Yost

For the negative,

Hauschel

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to incorporate the fire department of the North Shore of Staten Island," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 00 } .

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Sherman
Barkley	Edson	Lawrence	Sherwood
Barrow	Farrar	Lawson	Shiel
Beardsley	Faulkner	Lillybridge	Slingerland
Bennett	Fish	Lincoln	Smith
Bishop	Friend	McAfee	Stacy
Bordwell	Gedney	McGowan	Stephens
Bradley	Griffin	J. W. Milier	Struble
Broas	Hanrahan	Muller	Talmage
Brogan	Hepburn	Oakley	W. F. Taylor
Burtis	Hess	Page	Tewksbury
Calkins	Hogan	Peck	Vosburgh
T. C. Campbell	Houghton	Pierson	Waehner
T. J. Campbell	Hussey	Prince	Wellington
Clark	Ives	Ransom	West
Coffey	W. Johnson	Roscoe	Willis
Cole	Keenan	Sanford	Witbeck
Cooke	Kennaday	Schenck	Worth
Daggett	Kirk	Schuyler	Yost
Daly	Krack	Seward	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the preservation of fish in the Niagara river," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawson	Seward
Badger	Ely	Lewis	Sherman
Barrow	Faulkner	Lillybridge	Shiel
Beardsley	Fay	Mackin	Silverman
Bennett	Fish	McGowan	Smith
Berry	Gallagher	McGroarty	Speaker
Bordwell	Green	Merwin	Stauf
Bowen	Griffin	W. Miller	Struble
Braman	Hammond	Muller	Talmage
Brogan	Hauschel	Oakley	W. F. Taylor
Burtis	Hepburn	Page	Tewksbury
Calkins	Hess	Petty	Vedder
T. C. Campbell	Holmes	Pope	Waehner
T. J. Campbell	Hussey	Prince	Wellington
Cleary	Husted	Ransom	West
Cole	Ives	Rich	Whitmore
Cooke	Keenan	Roscoe	Willis
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schieffelin	Wurts
Decker	Kshinka	Scudder	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and to provide for the service rendered in laying out and opening streets, avenues, roads or public parks and places in the city of New York," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Schuyler
Badger	Edson	Lewis	Scudder
Barkley	Farrar	Lillybridge	Shattuck
Beach	Fay	Mackin	Sherman
Benedict	Fish	McGowan	Shiel
Beunett	Friend	McGroarty	Slingerland
Bishop	Gallagher	J. W. Miller	Speaker
Bordwell	Gedney	W. Miller	Stauf
Bradley	Hanrahan	Muller	Struble
Broas	Hess	O'Keefe	W. F. Taylor
Brown	Hogan	Peck	Tremain
Calkins	Houghton	Petty	Vedder

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T. C. Campbell	Husted	Prince	Wellington
T. J. Campbell	W. Johnson	Ransom	West
Clark	W. A. Johnson	Reilly	Willis
Cleary	Kennaday	Roscoe	Worth
Cole	Kirk	Sanford	Wurts
Cooke	Krack	Schenck	Yost
Daggett	Kshinka		

For the negative,

Hauschel

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

By unanimous consent,

Mr. Alvord, from the committee on ways and means; to which was referred the bill introduced by Mr. Alvord, Int. No. 818, entitled "An act to amend chapter 13 of part 1 of the Revised Statutes, in relation to assessments," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

The Senate bill entitled "An act in relation to the Merchants' Loan Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Sherwood
Barkley	Edson	Lillybridge	Silverman
Barrow	Farrar	Mackin	Smith
Beardsley	Faulkner	McGowan	Speaker
Bennett	Fay	Merwin	Stauf
Berry	Gallagher	Muller	Struble
Bordwell	Green	Page	Talmage
Bradley	Hammond	Petty	W. F. Taylor
Broas	Hanrahan	Pierson	Tewksbury
Brogan	Hepburn	Pope	Vedder
Burtis	Hogan	Reilly	Vosburgh
T. C. Campbell	Houghton	Rich	Wellington
T. J. Campbell	Husted	Russell	West
Clark	Ives	Sanford	Willis
Coffey	W. A. Johnson	Schieffelin	Worth
Comstock	Kirk	Scudder	Wurts
Costigan	Krack	Shattuck	Yost
Daly	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act entitled 'An act to amend chapter 574 of the Laws of 1871, as amended by chapter 738 of the Laws of 1872, in relation to the department of docks,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the

final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 6 }

Those who voted in the affirmative, were

Badger	Edson	Mackin	Sherwood
Barkley	Ely	McGowan	Shiel
Beardsley	Fay	McGroarty	Silverman
Benedict	Gallagher	Merwin	Slingerland
Berry	Gedney	J. W. Miller	Speaker
Bordwell	Green	Muller	Stacy
Braman	Hammond	Oakley	Stauf
Broas	Hanrahan	O'Keefe	Stephens
Brogan	Hauschel	Page	Struble
Brown	Hepburn	Peck	Talmage
Burtis	Hinckley	Petty	G. Taylor
Calkins	Hogan	Pierson	W. F. Taylor
T. C. Campbell	Holmes	Ransom	Vosburgh
T. J. Campbell	Husted	Reilly	Waehner
Clark	Ives	Rich	Wellington
Cleary	W. A. Johnson	Roscoe	Wenzel
Cole	Kennaday	Russell	West
Comstock	Kirk	Schenck	Willis
Costigan	Lawson	Schieffelin	Worth
Daly	Lewis	Schuyler	Wurts
Decker	Lillybridge	Scudder	Yost
Dessar	Lincoln		

Those who voted in the negative, were

Alvord	Bowen	Prince	Whitmore
Bishop	Hess		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Laning, Int. No. 182, entitled "An act relating to the Buffalo East Side Street Railway Company," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

The Senate bill entitled "An act in relation to the floating debt of the village of Edgewater," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schuyler
Badger	Decker	Krack	Scudder



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<b>Barkley</b>	<b>Dessar</b>	<b>Kshinka</b>	<b>Shattuck</b>
<b>Beach</b>	<b>Ely</b>	<b>Lawrence</b>	<b>Sherwood</b>
<b>Beardsley</b>	<b>Farrar</b>	<b>Lewis</b>	<b>Shiel</b>
<b>Benedict</b>	<b>Fay</b>	<b>Lillybridge</b>	<b>Silverman</b>
<b>Berry</b>	<b>Fish</b>	<b>Lincoln</b>	<b>Smith</b>
<b>Bishop</b>	<b>Friend</b>	<b>Mackin</b>	<b>Speaker</b>
<b>Bowen</b>	<b>Gedney</b>	<b>McGowan</b>	<b>Stauf</b>
<b>Bradley</b>	<b>Green</b>	<b>Merwin</b>	<b>Struble</b>
<b>Broas</b>	<b>Hanrahan</b>	<b>W. Miller</b>	<b>Talmage</b>
<b>Brogan</b>	<b>Hauschel</b>	<b>Oakley</b>	<b>W. F. Taylor</b>
<b>Burtis</b>	<b>Hess</b>	<b>Peck</b>	<b>Tremain</b>
<b>Calkins</b>	<b>Hinckley</b>	<b>Petty</b>	<b>Vosburgh</b>
<b>T. C. Campbell</b>	<b>Holmes</b>	<b>Pierson</b>	<b>Wenzel</b>
<b>T. J. Campbell</b>	<b>Houghton</b>	<b>Prince</b>	<b>West</b>
<b>Clark</b>	<b>Husted</b>	<b>Reilly</b>	<b>Willis</b>
<b>Coffey</b>	<b>Ives</b>	<b>Roscoe</b>	<b>Witbeck</b>
<b>Comstock</b>	<b>W. A. Johnson</b>	<b>Russell</b>	<b>Wurts</b>
<b>Cooke</b>	<b>Keenan</b>	<b>Schenck</b>	<b>Yost</b>
<b>Daggett</b>			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act and the title of an act entitled 'An act to authorize the Bleeker Street and Fulton Ferry Railroad Company of the city of New York to extend their railroad tracks through certain streets and avenues in the city of New York,' passed April 11, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Costigan</b>	<b>Kennaday</b>	<b>Schenck</b>
<b>Badger</b>	<b>Daly</b>	<b>Kirk</b>	<b>Schuyler</b>
<b>Barkley</b>	<b>Decker</b>	<b>Krack</b>	<b>Scudder</b>
<b>Beach</b>	<b>Dessar</b>	<b>Kshinka</b>	<b>Seward</b>
<b>Benedict</b>	<b>Edson</b>	<b>Lawrence</b>	<b>Sherwood</b>
<b>Bennett</b>	<b>Farrar</b>	<b>Lewis</b>	<b>Silverman</b>
<b>Berry</b>	<b>Faulkner</b>	<b>Lillybridge</b>	<b>Smith</b>
<b>Bordwell</b>	<b>Fish</b>	<b>Mackin</b>	<b>Speaker</b>
<b>Braman</b>	<b>Friend</b>	<b>McAfee</b>	<b>Stauf</b>
<b>Brogan</b>	<b>Gedney</b>	<b>McGroarty</b>	<b>Struble</b>
<b>Brown</b>	<b>Green</b>	<b>Merwin</b>	<b>Talmage</b>
<b>Burtis</b>	<b>Hanrahan</b>	<b>W. Miller</b>	<b>W. F. Taylor</b>
<b>Calkins</b>	<b>Hepburn</b>	<b>Oakley</b>	<b>Vosburgh</b>
<b>T. C. Campbell</b>	<b>Hess</b>	<b>Page</b>	<b>Wenzel</b>
<b>T. J. Campbell</b>	<b>Hogan</b>	<b>Petty</b>	<b>West</b>
<b>Clark</b>	<b>Houghton</b>	<b>Pope</b>	<b>Whitmore</b>
<b>Cleary</b>	<b>Hussey</b>	<b>Ransom</b>	<b>Worth</b>
<b>Coffey</b>	<b>Ives</b>	<b>Reilly</b>	<b>Wurts</b>

Cole  
Cooke

W. A. Johnson  
Keenan

Roscoe  
Sanford

Yost

For the negative,

Hammond

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York," as amended, being announced for a third reading,

Mr. Hess moved to recommit said bill to the committee on affairs of cities, with instructions to strike out the third section and report the same back forthwith.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 76 }  
{ NOES 19 }

Those who voted in the affirmative, were

Alvord	Daly	W. A. Johnson	Shattuck
Badger	Decker	Kennaday	Sherwood
Barkley	Edson	Krack	Shiel
Benedict	Ely	Law	Silverman
Bishop	Fay	Lawson	Slingerland
Bordwell	Fish	Lewis	Speaker
Bowen	Friend	Lillybridge	Stacy
Braman	Gallagher	Lincoln	Struble
Broas	Gedney	Merwin	Talmage
Brogan	Green	J. W. Miller	G. Taylor
Brown	Griffin	O'Keefe	W. F. Taylor
Burtis	Hammond	Peck	Tewksbury
Calkins	Hepburn	Petty	Vedder
T. C. Campbell	Hess	Prince	Waehner
Clark	Hinckley	Roscoe	Wellington
Coffey	Holmes	Russell	Whitmore
Cole	Hussey	Schenck	Willis
Comstock	Husted	Schieffelin	Wurts
Cooke	Ives	Scudder	Yost

Those who voted in the negative, were

Beardsley	Hauschel	Muller	Reilly
T. J. Campbell	Keenan	Oakley	Rich
Cleary	Kirk	Page	Smith
Dessar	McGowan	Pierson	Stauf
Hanrahan	McGroarty	Ransom	

Mr. Daly, from the committee on affairs of cities, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, &

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majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 10 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Silverman
Badger	Dessar	Lincoln	Slingerland
Barkley	Edson	McAfee	Smith
Beach	Fay	McGowan	Speaker
Berry	Fish	McGroarty	Stacy
Bishop	Friend	Merwin	Stauf
Bordwell	Gallagher	Muller	Struble
Bowen	Gedney	O'Keefe	Talmage
Broas	Green	Page	G. Taylor
Brown	Griffin	Peck	Tewksbury
Calkins	Hepburn	Pierson	Vedder
T. C. Campbell	Hess	Ransom	Wellington
T. J. Campbell	Hinckley	Rich	Wenzel
Clark	Hogan	Roscoe	Whitmore
Coffey	Holmes	Schenck	Willis
Cole	Hussey	Scudder	Worth
Comstock	Ives	Shattuck	Wurts
Costigan	W. A. Johnson	Sherman	Yost
Daly	Kirk	Shiel	

Those who voted in the negative, were

Brogan	Hanrahan	Keenan	Petty
Cleary	Hauschel	Lawson	Reilly
Cooke	Husted		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

On motion of Mr. T. J. Campbell, at 6 o'clock and 45 minutes, the House adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, MAY 14, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Knauff.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871."

"An act to amend an act entitled 'An act to regulate the size of apple, pear and potato barrels,' passed May 12, 1862."

"An act in relation to the State prisons and penitentiaries of this State."

*Ordered*, That the Clerk return said bills to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to authorize the Regents of the University to establish examinations as to attainments in learning."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled as follows:

"An act to amend the charter of the city of Troy, passed May 3, 1870, and the acts amendatory thereof."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent,

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Shiel, Int. No. 1105, entitled "An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Alvord presented a petition of the citizens of Albany, East Albany, Bath and Greenbush, in favor of the Albany and Rensselaer bridge from Albany to East Albany; which was read and laid on the table.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations.'"

"An act to regulate the price of and the quality of gas used in the city of Yonkers, in the county of Westchester."

"An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864."

"An act to provide for the opening and improving of Lewis avenue, and for extending, opening and improving of Downing street, in the city of Brooklyn."

"An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866."

"An act to amend chapter 637 of the Laws of 1874, entitled 'An act to provide for the opening and improvement of a portion of Grand street in the city of Brooklyn, and the extension of the same, and improvement of such extension, in Queens county, and to provide for the payment therefor.'"

"An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the supreme court, and to the election of a judge of the court of common pleas in and for the city and county of New York.'"

"An act to authorize the coroners of the county of New York to employ a stenographer in certain cases."

"An act in relation to the alms-house and insane asylum in the city of Albany, and the sale and purchase of real property in connection therewith."

"An act to legalize and confirm the official acts and proceedings of Edson Potter, Harvey P. Potter, Benjamin F. Read and William Horton as constables in the town of Colton, county of St. Lawrence."

By unanimous consent,

Mr. Prince offered for the consideration of the House a resolution, in the words following :

*Resolved*, That a respectful message be sent to the honorable the Senate, requesting the return for amendment of Assembly bill No. 679, entitled 'An act to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the powers and duties and compensation of the captain of the port and harbor masters of the port of New York.'

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate.

By unanimous consent, Mr. Hauschel introduced a bill entitled "An act in relation to public printing and stationery in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned for amendment the bill entitled "An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof."

Mr. Mackin moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Barkley	Ely	Lawrence	Seward
Beach	Farrar	Lewis	Sherman
Beardsley	Faulkner	Lillybridge	Sherwood
Benedict	Fish	Lincoln	Silverman
Berry	Friend	McAfee	Smith
Bradley	Gedney	McGowan	Stacy
Broas	Griffin	McGroarty	Stauf
Brown	Hanrahan	J. W. Miller	Struble
Burtis	Hauschel	Muller	Talmage
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Peck	Tewksbury
T. J. Campbell	Houghton	Petty	Vedder
Clark	Hussey	Pope	Vosburgh
Coffey	Ives	Ransom	Wellington
Cole	W. Johnson	Rich	West
Cooke	Keenau	Roscoe	Whitmore

Costigan  
Daly  
Decker

Kennaday  
Kirk  
Krack

Sanford  
Schenck  
Schieffelin

Witbeck  
Worth  
Yost

On motion of Mr. Mackin, and by unanimous consent, said bill was amended as follows:

Strike out the word "June," in line 11, section 5, and insert the word "August."

Section 11, strike out lines 3, 4 and 5, and insert in lieu thereof the following: "And the officers elected on the first Tuesday of March, 1875, at the annual town meeting of the town of Fishkill, as it existed prior to the passage of this act, shall hold over and perform the duties of their respective offices for both the town of Fishkill, as hereby continued, and the town of Wappinger, as hereby constituted, until the election of town officers for the said town of Wappinger, as provided by this act; after which the territorial jurisdiction of such officers, other than justices of the peace, shall not extend beyond the limits of the town in which they shall reside after the division made by this act."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawson	Sherman
Barkley	Edson	Lillybridge	Shiel
Barrow	Ely	Lincoln	Smith
Beardsley	Farrar	Mackin	Stacy
Benedict	Fay	McGroarty	Stephens
Berry	Friend	J. W. Miller	Struble
Bordwell	Gedney	W. Miller	Talmage
Bowen	Griffin	Oakley	G. Taylor
Braman	Hanrahan	O'Keefe	W. F. Taylor
Brown	Hepburn	Peck	Tewksbury
Burtis	Hess	Petty	Vedder
Calkins	Hinckley	Pierson	Vosburgh
T. C. Campbell	Houghton	Ransom	Wæhner
T. J. Campbell	Husted	Rich	Wellington
Clark	W. Johnson	Russell	Wenzel
Coffey	Keenan	Sanford	West
Comstock	Kirk	Schieffelin	Witbeck
Costigan	Krack	Schuyler	Wurts
Daggett	Kshinka	Seward	Yost
Daly	Law		

*Ordered*, That the Clerk deliver said bill to the Senate and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act to amend chapter 25 of the Laws of 1870, entitled 'An act to incorporate the city of Rome, and also to amend chapter 385 of the Laws of 1855, entitled An act to incorporate the fire department of the village of Rome, Oncida county,'"

with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. Section two of chapter forty-nine of the Laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled An act to incorporate the city of Rome,' passed February twenty-three, eighteen hundred and seventy, is hereby amended so as to read as follows, viz.:

"§ 2. The officers of said city shall consist of one mayor, one recorder, four justices of the peace and four constables, to be elected by the city at large; three aldermen, one assessor, one collector, one commissioner of highways, one supervisor, to be elected in each ward; and one chamberlain, one superintendent of streets, one chief of police, one overseer of the poor, and such other officers as are hereinafter authorized, who shall be appointed by the mayor and common council; and one chief engineer of the fire department, and two assistants, shall be elected by said fire department.

"§ 2. Section nine of title two of chapter twenty-five of the Laws of eighteen hundred and seventy, entitled 'An act to incorporate the city of Rome,' is hereby amended so as to read as follows:

"§ 9. The city chamberlain, immediately upon the filing with him of the certificate specified in the last section, shall notify in writing every person so certified to have been elected, of his election. Every person elected or appointed to any office under this act, before entering on the same, shall take the oath of office prescribed by the Constitution of the State, before the mayor, or some officer authorized to take affidavits to be read in courts of justice, and file the same with the city chamberlain, except the mayor, justices of the peace and recorder, whose oath shall be filed with the clerk of Oneida county; and every person so elected, except justices of the peace and recorder, who shall refuse or neglect to take and file the said oath of office for ten days after personal notice in writing of his election from the chamberlain, shall forfeit twenty-five dollars to the use of the city, and be deemed to have declined the office, and every person so appointed who shall neglect or refuse to take and file the said oath of office for ten days after his appointment, shall be deemed to decline the same, and a new appointment shall thereupon be made.

"§ 3. Section sixteen of title two of said act of eighteen hundred and seventy is hereby amended to read as follows:

"§ 16. No property qualification shall be required to hold any office under this act, but every person elected or appointed to any office created hereby shall be an elector and a resident of the city; and no person shall be elected an alderman, supervisor or commissioner of highways of any ward, unless he shall be, at the time of such election, a resident of such ward; and no person shall hold the office of commissioner of highways who resides within the 'corporation tax district;' and if such officer shall remove out of said ward during his term of office, he shall be deemed thereby to have vacated his office; and the removal from the city of any officer elected or appointed under this act, shall render the office held by him vacant from the time of such removal.

"§ 4. Section seventeen of title two of said act of eighteen hundred and seventy is hereby amended to read as follows:

"§ 17. At the first regular meeting of the common council after their organization, subsequent to the annual election as prescribed in this act,



or at some subsequent meeting, and as soon thereafter as may be, it shall be their duty to appoint one city chamberlain, one overseer of the poor, one superintendent of streets and bridges, one chief of police, and not to exceed five policemen, one city sealer who shall have charge of the city hay scales and shall be city weigher, and one fire warden for each ward, who shall hold their offices for one year, in the manner provided by this act. The mayor and common council shall have power to appoint, at any time they may consider the same necessary for the public interests, deputy superintendents of streets, not exceeding three in number, a pound master, and so many watchmen and special policemen as they may deem best, all of whom shall hold their offices at the pleasure of the common council.

“§ 5. Section twenty-one of title two of said act of eighteen hundred and seventy is hereby amended to read as follows:

“§ 21. The chamberlain, overseer of the poor, superintendent of streets and bridges, commissioners of highways, and such other officers as may be required by the common council, shall severally, before they enter upon their offices, execute and file with the chamberlain (except the chamberlain, whose bond shall be filed with the mayor), a bond to the city of Rome, in such sum as the council shall direct, and with such sureties as the mayor may approve, conditioned that they shall faithfully discharge the duties of their respective offices, and pay over all moneys received by them respectively; and the bond to be given by the commissioners of highways shall further provide that said commissioners of highways will and shall pay each and every person employed by them upon work authorized to be done by the city, on or before the twentieth day of each and every month they may be engaged therein for all work done to that date, and in default thereof that each and every person, and their assigns, having claim for such work, shall be entitled to commence and maintain action therefor upon such bond, and to recover thereupon in their own names, or that of their assigns, the amount thereof with interest thereon, and costs allowed by law upon such action. A copy of such instrument, and of any bond provided for by this act, and the acts of which this is an amendment, certified by the chamberlain or county clerk, with whom the same are filed under the seal of said city or the county, shall be received as presumptive evidence in all courts, of the said instrument and the execution thereof by the commissioners of highways or other officers executing the same, and by his respective sureties.

“§ 6. Section one of chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

“§ 1. The said city shall be divided into five wards respectively, as follows, viz:

“*First ward.* All that part of said city bounded as follows, viz: Beginning at a point at the intersection of James and Dominick streets, in the city of Rome; running thence along the center of said James street to the intersection thereof with the Wright settlement road, near the Ridge mills; thence along the center of the Wright settlement road and the Watson hollow road to the line of said city and town of Floyd; thence running along said line southerly to the center of the Mohawk river; thence running up said river and the center thereof to said Dominick street; thence running along the center of said Dominick street to the place of beginning, shall comprise the first ward.

“*Second ward.* All that part of said city bounded as follows, viz:

Lying south of the first ward and east of a line commencing at the intersection of said James and Dominick streets, and running along the center of said James street and the Madison plank-road to the intersection of said plank-road with the road to Verona village at the Oneida county poor-house, and thence along the center of said Verona road to the city line, shall comprise the second ward.

*“ Third ward.* All that part of said city described as follows, viz: Lying westerly of the second ward and southerly of a line commencing at the intersection of said James and Dominick streets, and running along the center of said Dominick street produced along the center of the highway to the junction of the Rome and Taberg and former Rome and Oswego plank-roads, thence running along the center of said last named road to the city line, shall comprise the third ward.

*“ Fourth ward.* All that part of said city described as follows, viz: Lying northerly of the third ward and westerly of a line commencing at the center of said Dominick street and George street in the former village of Rome; running thence up the center of said George street to Thomas street in said village; thence running along the center of said Thomas street to the cemetery road, so called; thence along the line in the center of said cemetery road, produced to the line of said city and the town of Lee, near the house of William H. Smith at Lee line, so called, shall comprise the fourth ward.

*“ Fifth ward.* All that part of said city described as follows, viz: Lying easterly of the fourth ward, westerly of the first ward, and northerly of the center of Dominick street, shall comprise the fifth ward.

“ § 7. Subdivision seventeen of section eight of title three of said act of eighteen hundred and seventy is hereby amended so as to read as follows, viz:

“ 17. To regulate and restrain hawking and peddling in the streets, and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise and all personal property, and to prohibit such sales on any of the sidewalks or crosswalks of the city, or the streets of the same, to license sales at auction in said city, of goods or property belonging to persons not residents of said city, or which goods shall have been purchased with intent to sell the same at auction, and to prevent such sales without license, and to require the payment to the city of such sum for such license as shall be provided for, not exceeding twenty-five dollars per day for each day upon which sales shall be had.

“ § 8. Subdivision eighteen of section eight of title three of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“ 18. To license and regulate cabmen, porters, cartmen, hackmen, the drivers of hackney carriages, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation and require them to have licenses.

“ § 9. Subdivision thirty-one of section eight of title three of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“ 31. To prescribe a uniform dress for the constables and police of said city, and enforce the wearing thereof by such penalties as they may deem meet.

“ § 10. Section seven of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

“ § 7. The city chamberlain shall keep all papers belonging to said city; he shall act as the clerk of the council and of the board of health, and attend all their meetings. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein all books and papers required by law to be filed in a town clerk's office, and he shall possess all the powers and discharge all the duties of a town clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall be the treasurer of said city, shall receive all moneys belonging thereto, and keep an accurate account of all receipts and expenditures in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the orders of the council, by warrants signed by the mayor or presiding officer of the council. Such warrants shall specify for what purpose the amount therein named is to be paid, and the chamberlain shall keep an accurate account of all orders drawn on the treasury in a book provided for that purpose, which shall be open to the inspection of any elector of the city at all reasonable hours. The chamberlain shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures, after the date of his annual report, and also of the state of the treasury, which exhibit or report shall be printed and published in all the newspapers published in said city, and in such other manner as the council may direct. The city chamberlain shall receive for his services such compensation, not exceeding five hundred dollars in each year, as the council shall fix, and he shall not receive, for any service whatever, any other fee or reward from the city or from any person or persons, and which sum shall include all claims for office rent, fuel and lights. But he may receive for services as clerk of the board of town auditors, for copying assessment rolls, and other services in the nature of services as town clerk, such compensation as may be allowed by the town auditors and board of supervisors.

“ § 11. Section eight of title four of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“ § 8. The chief of police shall possess the power and authority of a constable at common law and under the statutes of the State, except that he shall not have power to serve any civil process issued by any justice of the peace. He shall also perform such duties as shall be prescribed by the council for the preservation of the public peace, the care of the public property, and the maintenance of the police regulations and the municipal ordinances of said city, and under the direction of the mayor shall have the charge of the station house or lock-up belonging to said city. He shall receive no fees for any services, but shall be allowed a compensation to be fixed by the council.

“ § 12. Section eleven of title four of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“ § 11. It shall be the duty of the superintendent of streets and bridges to superintend, under and subject to the orders, control and direction of the common council, all work to be done or performed or ordered, or required to be done or performed, upon any of the public highways, streets, walks, alleys, bridges, sewers, or public pumps, reservoirs, or grounds or property of said city, the removing or abating of all public nuisances, and the procuring of all labor and materials required for any such work, and to certify to the common council weekly all persons who shall have been by him employed on any of the streets, walks, buildings, structures, reservoirs or otherwise, and of all materials pro-

cured; and he shall perform such other duties as the common council may, from time to time prescribe. He shall have no power to contract any debt or liability on the part of the city, unless by resolution of the common council expressly authorized so to do; and such superintendent shall not employ his own team or teams, wagons or conveyances, or that of any other city officer, upon any city work, nor shall he or they be directly or indirectly interested in any work or in any contract to work, or furnish materials for the city, under penalty of forfeiture of their office. Such superintendent shall receive for his services, as herein provided for, such compensation as shall be prescribed by the common council, not exceeding two dollars per day for the time he shall be actually employed at work.

“§ 13. Section nine of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

“§ 9. That portion of said city comprised within the following limits shall be known and designated as the corporation tax district, viz: Beginning at the north-west corner of the St. Peter's Catholic cemetery (so called), on the southerly line of Dominick street, and running thence in a straight line to the point where the northerly line of Bloomfield street extended strikes the northerly margin of the Mohawk river; thence north-westerly through the point where the center of the highway known as the Floyd road intersects the division line between the lands of John Stryker and Edward and Benjamin N. Huntington, lying on the southerly side of said road, to the easterly line of appropriation of the Black River canal; thence westerly to the point of intersection of the center line of the Turin road with the center line of Jay street extended; thence westerly to the intersection of the center line of the cemetery road with the center line of a highway leading from said road, southerly past the pest-house (so called), to Dominick street; thence westerly to the point where the northerly line of Liberty street intersects the line between subdivision lots number five and six, in great lot number three of the fourth allotment of the Oriskany patent (being the line between the lands of Jacob Bell and the estate of Valentine Bowers, deceased); thence southerly along the last-mentioned line extending to a point ten rods southerly (measured on said line), from the southerly appropriation line of the Erie canal; thence easterly to the point where the southerly line of the late village of Rome intersects the center line of James street; thence in a straight line easterly to the south corner of the late village of Rome (being a point due south eighty rods from the entrance of the old canal feeder into the Erie canal); thence easterly to the south-west corner of said St. Peter's Catholic cemetery; thence along the west line of said cemetery to the place of beginning. The tax so directed to be raised, and all taxes which may be raised under the provisions of this title, shall be assessed by the common council upon all the taxable, real and personal, property in that portion of the city comprised within the said limits, according to the valuation of the last city assessment rolls prior to the levying of such tax, after the same shall have been corrected as hereinbefore provided, and the assessors shall make such assessment rolls so as to show a separate assessment and valuation of property within said limits. The common council shall fix the compensation of the collector for collecting the taxes, which shall not be paid to said collector within the time hereinafter mentioned, not exceeding five per cent on the amount actually collected by him. The city chamberlain, under the direction of the common council, shall make

out an assessment roll of all the property within said limits, copied from the latest completed assessment rolls on file in his office, and shall extend and apportion said tax on the assessment rolls made by him, shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll; such roll shall then be delivered to such collector as the common council shall have appointed, who shall have given a bond as provided by section eighteen of title two of this act, with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent upon said sums for collecting the same as the common council shall have fixed, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to such collector, he shall publish notice thereof in the official newspapers published in said city, stating that said collector will attend at the common council room in said city on Tuesday and Friday of each week, and giving notice that he will attend at such place with said roll and warrant during such time as required by law of town collectors, in case of county and State taxes, and in the same manner in all respects, for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly. And any person may pay his taxes at the time and place so designated, on paying one per cent fees thereon, on any of the said days, and the said collector shall not receive over one per cent fees for collecting or receiving any taxes which shall be so paid to him. At the time of the delivery to him of any such roll and warrant, the collector shall indorse on the assessment and tax roll, on file with the chamberlain, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as collector, and he shall proceed to collect the unpaid taxes in said roll specified in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city chamberlain, and shall take his receipt therefor, and shall make return to the said chamberlain of the amount collected and paid over by him, and of the taxes remaining unpaid; and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city chamberlain with the amounts so remaining due and unpaid. The collector shall deposit all moneys in his hands with the city chamberlain, from time to time, as the common council shall direct. But no such settlement nor any settlement had by the council, or by any city officer with any collector of any tax or assessment, shall be final or conclusive; and no bond or other security given by any collector shall be invalidated by or canceled on such settlement, but shall remain in full force, and be held for one year thereafter by the city. The provisions of this section as to giving notice and attending at the common council room on Tuesday and Friday of each week for the collection of taxes shall apply to and be observed by the collectors of State, county and town taxes, and they are hereby required to observe the same and do as so directed.



"§ 14. Section seven of title five of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

"§ 7. Before any such sale an order shall be made by the common council, which shall be entered at large in the records of the city, designating and directing the attorney or officers of the city to sell, and particularly describing the premises to be sold, and the owner or agent thereof, so far as the same is known to the common council, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the officer as designated, who shall forthwith advertise the sale of said premises in all the official papers of said city for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner, except as herein provided. The proceedings may be stopped at any time before sale by any person, by paying the said officer his fee and the amount of the tax or assessment, with the interest allowed thereon by this act and the expense of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessments, interest and expenses. Two certificates of the sale of each parcel of land so sold shall be made by said officer, one of which shall be delivered to the purchaser, and the other filed in the city chamberlain's office; such certificate shall contain a description of the property, and the terms for which it was sold, and state the particular tax or assessment, and the amount of the assessment interest, and the expenses for which the sale was made, and the time at which the right to redeem will expire.

"§ 15. Section thirteen of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 13. It shall be the duty of the common council, as soon as practicable after every annual election under the provisions of this act, to determine what sum shall be raised for the ensuing year, not exceeding seven thousand dollars, by a general tax, for highway purposes, in addition to the sum hereby authorized to be raised for necessary and contingent expenses of said city, to defray the expenses of making, repairing and keeping in order the roads, highways, streets, sewers, bridges and public grounds in that portion of said city comprised within the limits of the corporation tax district. And the council of said city shall have power to levy and collect the same at the same time and in the same manner as other general city taxes are levied and raised.

"§ 16. Section fifteen of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 15. The said fund shall be disbursed by said council, or by the city superintendent under their direction and control in the making, maintaining and repairing the roads, streets, highways, bridges, sewers and public squares and grounds in the portion of the city comprised within the limits of the corporation tax district, the superintendent rendering weekly reports of the disbursements thereof. The pay or salary of the city superintendent, and of the deputies who may be appointed under him for the purpose of working or improving the highways or bridges from time to time, shall at all times be paid out of said highway fund. No such deputy shall receive more than two dollars a day for the time he shall actually be employed, for his services.

"§ 17. Section sixteen of said chapter forty-nine of the laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 16. The commissioners of highways shall, under the supervision, control and direction of the common council, have the power and perform the duties of commissioners of highways of towns, except as is otherwise provided in this act in respect to the part of the city outside the 'corporation tax district,' and also in respect to the bridges over the streams inside such district, except as is otherwise provided by this act. The territory of the city outside said district shall be divided into road districts, and the highway labor assessed and performed as in towns; and the overseers of such districts shall be appointed by said commissioners. The highway labor against any railroad corporation for that portion of its road outside the 'corporation tax district' shall be assessed in one item, and not in the separate road districts, and the labor be done under the direction of said commissioners where they may direct, or the commutation money be paid to them for the benefit of the highways generally. Appropriations for bridges and highways shall only be made by the common council, acting as a board of town auditors, on estimates to be furnished by said commissioners, and the expenditure thereof, and all expenditures made by said commissioners will be subject to the approval and audit by said board of auditors, and shall only be paid by the chamberlain on the warrant of the mayor; and all moneys which may come to the hands of the commissioners, or any of them, for the use of the bridges or highways, shall be paid to the chamberlain, and only disbursed as aforesaid. Each commissioner shall receive for his services an annual salary of fifty dollars, and no other compensation.

"§ 18. Section seventeen of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 17. The common council shall determine what amount shall be raised in each year, not exceeding five thousand dollars, for the support of bridges in said city, and the same shall be levied by the board of supervisors of Oneida county upon all the property of said city, in the same manner that moneys for highways and bridges are levied upon towns, and when collected shall be paid to the chamberlain and kept as a separate fund for the support of the bridges of the city, and disbursed on the order of the common council, upon the warrant of the mayor.

"§ 19. Section nineteen of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 19. All work authorized by the sixth section of this title, and all repairs of bridges, so far as practicable, and all new bridges erected over the rivers and streams of the city, and all work whatever authorized by the ninth section of this title, shall be done by contract, let to the lowest bidder for the same, unless the common council shall deem it for the best interests of the city to refuse all bids as made, and re-advertise the same for letting. No bid shall be accepted by the common council unless accompanied with a bond, with satisfactory sureties, conditioned for the full performance of such work, and which bond shall be acknowledged, and the sureties shall justify before some officer authorized to take the same, in double the penalty of the bond, after proper specifications have been previously made and filed in the chamberlain's office, and after the same has been advertised for at least one week in two newspapers in said city, and by posting a copy of such advertisement, at least six days before the letting, in six public places



in said city; and the common council is required, and the commissioners of highways, in respect to work under their direction, are required so to advertise and let such work, and to require security from the contractor for due performance thereof, to be approved by the mayor. The advertisement need not contain the specifications, but may refer to them as on file.

“§ 20. Section six of title seven of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“§ 6. The police officers of said city shall have sole and exclusive power of serving all process issued by the recorder or acting recorder of said city, and of performing all criminal business that constables or police officers are by law required to perform. But nothing herein contained shall be construed to prevent the recorder, or acting recorder, from appointing any person, in case of the absence, continued detention or inability to act of said police officers, to serve any process issued by said recorder. Such appointment must be in writing, and must specify or refer to the particular process to be served.

“§ 21. Section seven of title seven of said act of eighteen hundred and seventy is hereby amended to read as follows:

“§ 7. It shall be the duty of the chief of police to attend at the office of the recorder in said city, or remain at or in the vicinity of the office of such recorder during the day time, when not necessarily absent in the execution of his official duties, or detained away by sickness or other unavoidable cause; and the police officers shall serve all process of every kind issued by the recorder of said city, or issued by any justice of the peace acting as such recorder; but no constable shall be eligible to or be appointed to the office of policeman of said city.

“§ 22. Section eight of title seven of said act of eighteen hundred and seventy is hereby amended to read as follows:

“§ 8. The said police officers shall not be entitled to receive, for their own use, any fee for services performed by them of a criminal nature, issued by the recorder or any justice of the peace acting as recorder under this act, but the chief of police and each policeman shall receive an annual compensation to be fixed by the common council; each of said officers shall keep a book in which shall be entered all business done by him; he shall make out an account of all such business, and duly verify the same, and shall annually, at the time of the presentation of claims against the county, make out an account of all charges made by him against the county for services rendered in case of felonies, duly verified, and present the same to the board of supervisors of the county of Oneida, which board shall audit and levy the same as other county charges, and hand the same over to its chamberlain as money belonging to the said city; and all fines received by said constables acting as police officers, shall be paid over to said chamberlain; the said salary of said police officers shall be audited and paid as other charges against the said city, out of the contingent fund thereof, as provided by title five of this act, and the money received by the chamberlain under this section shall belong to said contingent fund.

“§ 23. Section one of title eight of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

“§ 1. The fire limits as now established in the village of Rome, and the provisions regulating the erection of buildings within such limits, shall remain in force under this act, subject to the power of the common council to alter the same; and hereafter the said common council, for

the purpose of guarding against calamities by fire, shall have the power by ordinance, from time to time, to prescribe limits in said city within which wooden buildings shall not be erected or placed without the permission of said common council, and to direct that all or any buildings or additions thereto within the limits prescribed shall be made or constructed, repaired or rebuilt, if requiring the same, by reason of being partially consumed or otherwise, within the limits prescribed, shall be made or constructed of stone, brick or other fire-proof material, with fire-proof partition walls, fire-proof roofs, fire-proof cornices and eave-trough, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

"§ 24. Section five of title eight of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

"§ 5. The fire wardens shall have power at all reasonable times, and it shall be their duty, to enter into and examine all the dwelling-houses, out-houses, lots and yards in their respective wards, in the day-time; to inspect all places therein where fires are used to ascertain how ashes are kept; to direct and compel obedience to all ordinances of the common council relating to the prevention of fire, and to report to the common council all infractions thereof.

"§ 25. Section twenty-two of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 22. The territory forming the corporation tax district shall comprise the lamp district of the city of Rome, and shall be under the control and management of the common council, and the costs and expenses of maintaining and keeping in repair the lamps, lamp-posts and fixtures and the expense of lighting, and of gas, oil or other burning material furnished, shall be borne by such district, which expense shall be assessed and apportioned by said common council as a tax against the real and personal estate in such district, to be ascertained and fixed by the last assessment roll of said city, and shall be levied and collected with and at the time of the city tax, against such owner or owners of such real and personal estate.

"§ 26. Section twenty-six of said chapter forty-nine of the Laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

"§ 26. The amount to be raised for school purposes in said district shall be determined by the common council on the estimate of the board of education, as provided by law in the case of a union free school district, which territory is the same as that of the village or city corporation in which it is located, and the same shall be levied and collected by the common council in the same manner as city taxes, as provided in title five of this act. Provided, however, that the board of education shall yearly, and whenever required so to do by the common council, make and deliver to the common council a detailed statement showing and accounting for all moneys that have been received or expended by or through them since the date of their then last report thereof to the common council.

"§ 27. Section two of title twelve of said act of eighteen hundred and seventy is hereby amended so as to read as follows:

"§ 2. The chairman of any committee or special committee, of the

common council shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee; and the chamberlain shall have the same power with respect to any account or claim made against the city; any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in such statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

“ § 28. Section eleven of title twelve of said act is hereby declared to be applicable to all the amendments herein provided for; and all acts and parts of acts heretofore constituting the charter of the city of Rome inconsistent with or repugnant to the provisions hereof, are hereby repealed.

§ 29. This act shall take effect immediately.

Amend the title so as to read “An act to amend chapter 25 of the Laws of 1870, entitled ‘An act to incorporate the city of Rome,’ and also to amend chapter 49 of the Laws of 1871, entitled ‘An act to amend an act entitled An act to incorporate the city of Rome.’”

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Schuyler
Badger	Dessar	Lawson	Scudder
Barrow	Ely	Lewis	Shattuck
Beardsley	Farrar	Lincoln	Sherman
Benedict	Fish	Mackin	Shiel
Berry	Friend	McGowan	Silverman
Bordwell	Gedney	McGroarty	Smith
Bradley	Green	J. W. Miller	Speaker
Braman	Hammond	Muller	Stauf
Brogan	Hauschel	O'Keefe	Struble
Brown	Hinckley	Page	Talmage
Calkins	Hogan	Petty	G. Taylor
T. C. Campbell	Holmes	Pierson	Tremain
T. J. Campbell	Hussey	Prince	Vosburgh
Clark	Ives	Reilly	Wellington
Coffey	W. Johnson	Roscoe	West
Cole	Keenan	Russell	Willis
Cooke	Kirk	Schenck	Wurts
Costigan	Krack	Schieffelin	Yost
Daly	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Page moved that when this House adjourns to-day it adjourn at 12 m. until Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. McGroarty, from the sub-committee of the whole, submitted a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 164.)

Mr. Daly moved to reconsider the vote by which the Senate bill entitled "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and to provide for the services rendered in laying out and opening streets, avenues, roads or public parks and places in the city of New York," was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Schenck
Badger	Decker	Kshinka	Schieffelin
Barkley	Edson	Law	Scudder
Beach	Ely	Lewis	Seward
Benedict	Farrar	Lillybridge	Sherwood
Bennett	Faulkner	Lincoln	Silverman
Bishop	Fish	McAfee	Smith
Bordwell	Gallagher	McGowan	Stacy
Bradley	Gedney	McGroarty	Struble
Braman	Griffin	J. W. Miller	G. Taylor
Brogan	Hammond	Muller	Tremain
Burtis	Hanrahan	Oakley	Vedder
Calkins	Hepburn	Page	Vosburgh
T. C. Campbell	Hess	Peck	Waehner
T. J. Campbell	Holmes	Pierson	Wenzel
Clark	Hussey	Prince	West
Coffey	Ives	Ransom	Whitmore
Comstock	W. A. Johnson	Rich	Wurts
Costigan	Keenan	Russell	Yost
Daggett	Kirk		

On motion of Mr. Daly, and by unanimous consent, said bill was amended by striking out all of section 1 after the word "seventy-three" in line 12 of engrossed bill.

Said bill, as amended, was then read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**MAY 14.]**

**1847**

**{ AYES 81 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Daly	Krack	Seward
Badger	Decker	Lawrence	Shattuck
Barkley	Edson	Lawson	Sherman
Barrow	Farrar	Lincoln	Shiel
Beardsley	Faulkner	Mackin	Silverman
Benedict	Fish	McGowan	Slingerland
Berry	Gallagher	McGroarty	Smith
Bishop	Griffin	Merwin	Speaker
Bowen	Hammond	J. W. Miller	Stauf
Braman	Hanrahan	Oakley	Talmage
Broas	Hauschel	O'Keefe	G. Taylor
Brogan	Hess	Peck	Tewksbury
Brown	Hogan	Pope	Vedder
Burtis	Holmes	Ransom	Wellington
Calkins	Houghton	Rich	Wenzel
T. C. Campbell	Hussey	Sanford	West
T. J. Campbell	Ives	Schenck	Willis
Clark	W. A. Johnson	Schieffelin	Witbeck
Cleary	Kennaday	Schuyler	Wurts
Comstock	Kirk	Souder	Yost
Costigan			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that they have passed the same, with amendments.

The bill entitled "An act in relation to the alms-house and insane asylum in the city of Albany, and the sale and purchase of real property in connection therewith," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 78 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Edson	Lewis	Schenck
Badger	Ely	Lincoln	Schuyler
Barkley	Faulkner	Mackin	Shattuck
Beach	Fish	McAfee	Sherman
Benedict	Friend	McGowan	Shiel
Bennett	Gedney	McGroarty	Slingerland
Berry	Griffin	Merwin	Smith
Bordwell	Hammond	W. Miller	Speaker
Braman	Hanrahan	Muller	Stephens
Burtis	Hepburn	Oakley	Talmage
Calkins	Hess	O'Keefe	W. F. Taylor
T. C. Campbell	Hinckley	Page	Tremain
T. J. Campbell	Husted	Peck	Vedder
Clark	Ives	Petty	Waehner

Cleary	W. A. Johnson	Pierson	Wenzel
Cole	Kennaday	Prince	Willis
Costigan	Kirk	Ransom	Worth
Daggett	Krack	Rich	Wurts
Daly	Kshinka	Sanford	Yost
Dessar	Lawrence		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the coroners of the county of New York to employ a stenographer in certain cases," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Schuyler
Barkley	Ely	Lewis	Seward
Barrow	Farrar	Lillybridge	Shattuck
Benedict	Faulkner	Lincoln	Sherwood
Berry	Fay	Mackin	Shiel
Bishop	Friend	McGowan	Silverman
Bordwell	Gallagher	Merwin	Smith
Bowen	Gedney	J. W. Miller	Speaker
Brogan	Griffin	Muller	Stauf
Burtis	Hanrahan	Oakley	Talmage
Calkins	Hepburn	O'Keefe	G. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Holmes	Peck	Vosburgh
Clark	Ives	Petty	Wellington
Cole	W. Johnson	Pierson	Wenzel
Comstock	W. A. Johnson	Pope	Willis
Cooke	Kennaday	Ransom	Witbeck
Costigan	Krack	Rich	Wurts
Daly	Kshinka	Schenck	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend an act passed April 3, 1867, entitled 'An act in relation to railroads held under lease,' " was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**MAY 14.]**

**1849**

**{ AYES 67 }**  
**{ NOES 3 }**

**Those who voted in the affirmative, were**

Alvord	Faulkner	Lawrence	Prince
Barkley	Fay	Lawson	Ransom
Beach	Fish	Lewis	Reilly
Beardsley	Friend	Lillybridge	Schuyler
Benedict	Gallagher	Lincoln	Shattuck
Berry	Gedney	Mackin	Sherwood
Bishop	Griffin	McGowan	Shiel
Broas	Hanrahan	McGroarty	Slingerland
Brogan	Hauschel	Merwin	Speaker
Brown	Hess	J. W. Miller	Stauf
Calkins	Hogan	Muller	G. Taylor
T. C. Campbell	Holmes	Oakley	Vedder
T. J. Campbell	Ives	O'Keefe	Wellington
Comstock	W. A. Johnson	Page	West
Decker	Kennaday	Petty	Whitmore
Edson	Krack	Pierson	Wurts
Farrar	Law	Pope	

**Those who voted in the negative, were**

Badger	Daly	Schieffelin
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Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 73 }**  
**{ NOES 10 }**

**Those who voted in the affirmative, were**

Alvord	Gedney	Lewis	Shattuck
Barkley	Green	Lincoln	Sherwood
Berry	Griffin	Mackin	Silverman
Bishop	Hanrahan	McGowan	Slingerland
Bordwell	Hauschel	McGroarty	Speaker
Bowen	Hess	Merwin	Stacy
Brogan	Hogan	Muller	Stauf
Calkins	Holmes	Oakley	Talmage
T. C. Campbell	Hussey	Page	G. Taylor
Comstock	Husted	Petty	Tewksbury
Decker	Ives	Pierson	Vedder
Edson	W. A. Johnson	Pope	Vosburgh
Ely	Kennaday	Ransom	Wellington
Farrar	Kirk	Rich	Wenzel
Faulkner	Krack	Roscoe	Whitmore
Fay	Kshinka	Russell	Willis
Fish	Lawrence	Schuyler	Wurts
Friend	Lawson	Seward	Yost
Gallagher			



Those who voted in the negative, were

Badger	Hepburn	Peck	Schieffelin
Barrow	Keenan	Reilly	W. F. Taylor
Benedict	O'Keefe		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the supreme court, and to the election of a judge of the court of common pleas, in and for the city and county of New York,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 8 }

Those who voted in the affirmative, were

Alvord	Ely	Lillybridge	Shattuck
Badger	Farrar	McAfee	Shiel
Barkley	Faulkner	McGowan	Slingerland
Benedict	Fish	McGroarty	Speaker
Bennett	Friend	Merwin	Stauf
Berry	Griffin	Muller	Talmage
Bishop	Hammond	Oakley	G. Taylor
Bowen	Hanrahan	O'Keefe	W. F. Taylor
Broas	Hauschel	Page	Tewksbury
Burtis	Hepburn	Peck	Vosburgh
Calkins	Hess	Prince	Waehner
T. C. Campbell	Hogan	Ransom	Wellington
T. J. Campbell	Houghton	Reilly	Wenzel
Clark	Husted	Roscoe	West
Cole	Ives	Russell	Whitmore
Cooke	W. Johnson	Sanford	Willis
Costigan	Keenan	Schieffelin	Witbeck
Daly	Kennaday	Schuyler	Wurts
Dessar	Krack	Seward	Yost
Edson	Lewis		

Those who voted in the negative, were

Barrow	Daggett	Gedney	Lincoln
Bordwell	Gallagher	Hussey	Sherwood

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill, Int. No. 229, entitled "An act relative to taxation and appropriations in the city of New York, and to provide for the payment of part of the cost of the Fourth avenue improvement from revenue bonds, to be paid from taxation in 1876 instead of 1875, and to reduce the tax levy of 1875 accordingly," reported in favor of the passage

of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Hanrahan, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act relating to the Buffalo East Side Street Railway Company," and the same ordered to a third reading.

The bill entitled "An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Schuyler
Barkley	Ely	Lewis	Seward
Beach	Farrar	Lincoln	Shattuck
Benedict	Faulkner	Mackin	Sherman
Berry	Fish	McGowan	Sherwood
Bishop	Friend	Merwin	Silverman
Bradley	Gallagher	W. Miller	Slingerland
Broas	Hammond	Oakley	Speaker
Brown	Hauschel	O'Keefe	Stauf
Burtis	Hess	Peck	Struble
Calkins	Hinckley	Pierson	Talmage
T. C. Campbell	Hogan	Prince	G. Taylor
T. J. Campbell	Houghton	Ransom	Tremain
Clark	Hussey	Reilly	Vosburgh
Cleary	Husted	Roscoe	Waehner
Coffey	W. Johnson	Russell	West
Comstock	Keenan	Sanford	Willis
Daggett	Kirk	Schenck	Wurts
Daly	Krack	Schieffelin	Yost
Dessar	Kshiuka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Kirk moved to take from the table the report of the sub-committee of the whole on the bill entitled "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866."

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

The bill entitled "An act to regulate the price of, and the quality of, gas used in the city of Yonkers, in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative were,

Badger	Faulkner	Krack	Schieffelin
Barkley	Friend	Lawson	Schuyler
Beardsley	Gallagher	Lewis	Seward
Berry	Gedney	Lillybridge	Sherwood
Bishop	Green	Lincoln	Shiel
Bowen	Hanrahan	Mackin	Slingerland
Brown	Hauschel	McAfee	Smith
Burtis	Hepburn	McGowan	Speaker
Calkins	Hess	Muller	Stauf
T. J. Campbell	Hogan	Oakley	Talmage
Clark	Holmes	Page	G. Taylor
Coffey	Houghton	Peck	W. F. Taylor
Cole	Hussey	Pierson	Vosburgh
Comstock	Husted	Prince	Wellington
Cooke	Ives	Ransom	Wenzel
Costigan	W. Johnson	Rich	West
Decker	W. A. Johnson	Roscoe	Willis
Dessar	Keenan	Sanford	Witbeck
Edson	Kirk	Schenck	Wurts

Those who voted in the negative, were

Alvord	Fay	Yost
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*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to previous notice, Mr. Vosburgh moved to suspend rules 44 and 51 for the purpose of reconsidering the vote by which the bill entitled "An act authorizing the construction of a carriage and foot bridge across the Hudson river, and incorporating the Albany and Rensselaer Bridge Company," was lost.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 65 }  
{ NOES 35 }

Those who voted in the affirmative, were

Alvord	Coffey	W. Johnson	Schenck
Badger	Costigan	Keenan	Schieffelin
Barrow	Daly	Kennaday	Schuyler
Beach	Dessar	Kirk	Seward
Beardsley	Faulkner	Lawson	Sherman
Benedict	Fish	Mackin	Shiel
Bennett	Friend	McAfee	Smith
Bishop	Gallagher	McGowan	Speaker
Bowen	Green	McGroarty	Stauf
Braman	Hammond	Muller,	Struble

**MAY 14.]**

**1653**

Brogan	Hanrahan	Oakley	G. Taylor
Brown	Hauschel	O'Keefe	Vosburgh
Burtis	Hess	Page	Wenzel
Calkins	Houghton	Ransom	Worth
T. C. Campbell	Husted	Reilly	Wurts
T. J. Campbell	Ives	Russell	Yost
Clark			

**Those who voted in the negative, were**

Barkley	Ely	Law	Scudder
Berry	Farrar	Lawrence	Shattuck
Broas	Fay	Lillybridge	Slingerland
Cole	Gedney	Lincoln	W. F. Taylor
Comstock	Hepburn	Peck	Wellington
Cooke	Hinckley	Pierson	Whitmore
Daggett	Hogan	Rich	Willis
Decker	Holmes	Roscoe	Witbeck
Edson	W. A. Johnson	Sanford	

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

**{ AYES 62 }**  
**{ NOES 43 }**

**Those who voted in the affirmative, were**

Alvord	Daly	Kirk	Schuyler
Badger	Dessar	Mackin	Seward
Beach	Faulkner	McAfee	Sherman
Beardsley	Fish	McGowan	Shiel
Benedict	Friend	McGroarty	Silverman
Bennett	Gallagher	Muller	Smith
Braman	Green	Oakley	Speaker
Brogan	Hammond	O'Keefe	Stauf
Brown	Hanrahan	Page	Talmage
Burtis	Hauschel	Page	Tewksbury
Calkins	Hogan	Ransom	Tremain
T. C. Campbell	Houghton	Reilly	Vosburgh
T. J. Campbell	Husted	Russell	Waehner
Clark	Ives	Schenck	Wenzel
Coffey	W. Johnson	Schieffelin	Wurts
Costigan	Keenan		

**Those who voted in the negative, were**

Barkley	Edson	Lawrence	Scudder
Barrow	Ely	Lewis	Shattuck
Berry	Farrar	Lillybridge	Slingerland
Bishop	Fay	Lincoln	Struble
Bordwell	Gedney	Peck	W. F. Taylor
Bowen	Hepburn	Petty	Wellington
Broas	Hinckley	Pierson	Whitmore
Comstock	Holmes	Prince	Willis

Cooke  
Daggett  
Decker

Hussey  
W. A. Johnson  
Law

Rich  
Roscoe  
Sanford

Witbeck  
Yost

Mr. Sherman moved to extend the session until 1 o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Husted introduced a bill entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered printed and made a special order for Monday evening next, immediately after the reading of the journal.

Mr. Waehner moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 62 }  
{ NOES 47 }

Those who voted in the affirmative, were

Barkley	Edson	Lawson	Schuyler
Beach	Ely	Lewis	Shattuck
Beardsley	Faulkner	Mackin	Sherman
Benedict	Gallagher	McGowan	Shiel
Bennett	Griffin	McGroarty	Silverman
Broas	Hammond	Muller	Smith
Brogan	Hanrahan	Oakley	Speaker
Brown	Hauschel	O'Keefe	Stauf
T. C. Campbell	Hess	Page	Talmage
T. J. Campbell	Hogan	Pierson	G. Taylor
Coffey	Ives	Ransom	Vosburgh
Cole	W. Johnson	Reilly	Waehner
Cooke	Keenan	Rich	Wenzel
Costigan	Kirk	Schenck	Worth
Daly	Krack	Schieffelin	Wurts
Dessar	Kshinka		

Those who voted in the negative, were

Alvord	Farrar	Lincoln	Slingerland
Badger	Fay	McAfee	Stacy
Barrow	Friend	Peck	Struble
Bishop	Gedney	Petty	W. F. Taylor
Bordwell	Green	Pope	Tewksbury
Bowen	Hinckley	Prince	Vedder
Burtis	Holmes	Roscoe	Wellington
Calkins	Houghton	Russell	West
Clark	Husted	Sanford	Whitmore

Comstock	W. A. Johnson	Scudder	Willis
Daggett	Law	Seward	Yost
Decker	Lillybridge	Sherwood	

The Senate returned the bill entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," with a message informing of agreement to the report of the committee of conference thereon, in the words following :

The committee of conference of the Senate and Assembly on the disagreeing votes of the two Houses on the Assembly bill, printed No. 422, entitled "An act to confer on boards of supervisors further power of local legislation and administration, and to regulate the compensation of supervisors," having met have, after full and free conference, agreed and recommend to their respective Houses as follows :

That the Assembly recede from its disagreement to the first and second amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the third amendment of the Senate, and agree to the same amended so as to read as follows: "except in the counties of Albany, Erie and Kings," and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the fourth amendment of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the fifth amendment of the Senate, and agree to the same amended so as to read as follows: "But in any case where a special law shall have been passed prior to the passage of this act, providing for the purchase or sale of any site or the location, erection, purchase or sale of any county building, or for the care and management thereof, no action shall be had by any board of supervisors which shall interfere with the full execution of such special law," and the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the sixth amendment of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the seventh amendment of the Senate, and agree to the same amended so as to read as follows: "If any town at a regular town meeting held between the first day of February, 1875, and the passage of this act, shall have elected commissioners for the purpose of building a bridge and providing money to pay for the same by the issuing of bonds or otherwise, such bonds not exceeding the amount authorized at such town meeting, are hereby authorized and declared valid, but said bonds shall not be sold or otherwise disposed of for less than par. And the board of supervisors shall levy a tax on such town for the payment of such indebtedness at such times and in such amounts as may be necessary to meet the obligations incurred by said commissioners, in pursuance of instruction given by such town at the time of electing said commissioners." And that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the eighth amendment of the Senate and agree to the same amended so as to read as follows :

"9. To authorize in any county containing an incorporated city of one hundred thousand inhabitants or upwards, where any territory adjoining such city has been mapped out in pursuance of law into streets

and avenues, conforming to and forming an extension of the system of streets and avenues of such city, the laying out, closing and change of line of any such street or avenue;" and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the ninth amendment of the Senate, and agree to the same amended as follows: Strike out, between the tenth and eleventh subdivisions, the head lines "Verifying location of highways," and insert after the sixth subdivision the head line "Highways;" and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same amended so as to insert the same words after the word "determine" in the 14th line, page 20, of the engrossed bill, and omitting them at the close of the subdivision, and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the thirty-fifth and thirty-sixth amendments of the Senate, and agree to the same amended so that subdivision 3d of section 7 shall read as follows:

"3. To determine after the 15th day of November, 1875, except in the county of Kings, in what newspapers, not to exceed two, the election notices issued by the Secretary of State and the official canvass shall be published, and to fix the compensation for such publication. But in cases where such publication shall be ordered to be made in two newspapers, such papers shall be of opposite political character;" and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the thirty-seventh, thirty-eighth and thirty-ninth amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the fortieth amendment of the Senate, and agree to the same, with the following amendments: make section 10 section 9; in the first line of section 2 substitute the word "seven" for "eight," and in subdivision 6, section 1, substitute the word "twenty-nine" for "thirty;" and that the Senate agree to the amendment as thus amended.

W. H. ROBERTSON,  
S. S. LOWERY,  
GEO. B. BRADLEY,  
*Senate Committee.*

R. U. SHERMAN,  
G. W. SCHUYLER,  
JAMES FAULKNER,  
WM. H. CLARK,  
A. B. HEPBURN,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Schenck
Badger	Decker	Krack	Schuyler
Barrow	Dessar	Law	Shattuck
Beach	Edson	Lawrence	Sherman
Benedict	Ely	Lillybridge	Shiel
Berry	Farrar	Lincoln	Slingerland
Bordwell	Faulkner	McAfee	Speaker
Bowen	Fay	McGowan	Stacy
Braman	Friend	McGroarty	Stephens
Brown	Gallagher	Merwin	Talmage
Burtis	Griffin	Muller	G. Taylor
Calkins	Hammond	Oakley	Tewksbury
T. C. Campbell	Hanschel	O'Keefe	Vedder
T. J. Campbell	Hess	Peck	Waehner
Clark	Hinckley	Petty	Wellington
Cleary	Holmes	Pierson	West
Cole	Houghton	Ransom	Witbeck
Cooke	Ives	Reilly	Worth
Daggett	W. A. Johnson	Roscoe	Wurts
Daly	Kennaday	Sanford	Yost

For the negative,

Prince

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

By unanymous consent, Mr. McGowan introduced a bill entitled "An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGowan, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

The Senate returned the bill entitled "An act to authorize the formation of corporations for the safe keeping and guarantying of personal property," with a message that they assent to a committee of conference thereon, and have appointed as such committee on the part of the Senate Messrs. Gross, Wellman and Tobey.

The Senate returned the bill entitled "An act to revise and consolidate the several acts relative to public schools in the city of Auburn," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. The several school districts in the city of Auburn are hereby consolidated, and the corporate limits of said city as they now exist, or may hereafter be changed, are hereby declared to be a separate school district, but nothing in this act shall be construed to prevent the board of education hereinafter named from making, from time to time, such subdivisions of said district as may be necessary for the conve-

nience and accommodation of the pupils attending schools therein. The trustees and clerks of the several school districts of said city shall, as soon as this act takes effect, transfer to the secretary of the board of education hereinafter named all records, books and papers of their respective school districts in their official custody. The title to all real estate and personal property now belonging to the public school fund of said city, or which may be hereafter acquired, by purchase, gift, grant or otherwise, is hereby vested in said board of education, and the same shall not be subject to taxation for any purpose whatever.

"§ 2. The public schools of said city shall all be under the control and management of nine commissioners of public schools, to be chosen in the manner hereinafter provided, who shall constitute and be called and known by the name of 'The board of education of the city of Auburn.' Said board of education is hereby constituted a body corporate in relation to all the powers and duties conferred upon it by this act, and in the name aforesaid may sue and be sued, and shall have a corporate seal, such as said board may designate.

"§ 3. The members of the present board of education are hereby continued in office until the new board hereinafter provided for shall have been duly elected and qualified. But the terms of office of each of the members of the present board of education shall cease and determine when such board shall have been duly elected and qualified.

"§ 4. Under the provisions of this act an election shall be held in said city on the third Tuesday of May, in the year eighteen hundred and seventy-six, and on the third Tuesday of May in each and every year thereafter, at such places as the common council shall designate, of which at least twenty days' notice shall be given by publication in one or more daily papers published in said city, and by posting the same in at least two public places in each ward, signed by the city clerk and by the secretary of the board of education of said city.

"§ 5. The first and sixth wards, as now designated, shall constitute the first election district; the second and third wards shall constitute the second election district; and the fourth, fifth and seventh wards shall constitute the third election district, for the purposes of this act; and the inspectors of election chosen at the previous charter election in said city, for the wards wherein the elections under this act shall be designated to be held, shall be the inspectors of these elections, and shall possess the powers and discharge all the duties of said inspectors; and the provisions of law applicable to election districts, and to inspectors of elections therein, shall apply to said districts and said inspectors.

"§ 6. Every male person of the age of twenty-one years and upward, residing within the district where he offers his vote, and entitled to hold lands within the State, who owns in his own right or whose wife owns real property subject to taxation for school purposes in said city, and every resident of such district authorized to vote at charter elections in said city, who owns personal property, taxed for school purposes in said city, exceeding fifty dollars in value, or who has permanently residing with him a child or children of school age, some one or more of whom shall have attended the public schools of said city for a period of at least fourteen weeks during the year preceding, and no others, shall be allowed to vote at such elections. All penalties provided by law for illegal voting at any charter election, for the election of the city officers for said city, shall apply to such election; and any person offering to vote may be challenged as at a charter election aforesaid; and the same pro

ceedings had thereon as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable to this election.

“§ 7. The city clerk shall give notice in writing of every election to be held under this act to the inspectors of election in the several wards wherein the said election shall have been designated by the common council to be held as aforesaid; and said inspectors shall provide a ballot box, to be marked or labeled ‘schools,’ for the reception of ballots, and two blank books in which they shall record the names and residences of every person who shall vote at said election, and the name and residence of every person who shall offer to vote and whose vote shall be rejected properly designated as rejected, with the reason therefor.

“§ 8. The polls of the election in the several election districts at the said school election, shall be opened at eight o’clock on the morning of the day of election, and shall be kept open, without intermission or adjournment, until five o’clock in the afternoon, when they shall be finally closed; and the inspectors shall, without adjourning, canvass the votes received by them, and certify in writing to the same, and deliver one copy of said certificate to the city clerk, and another copy to the secretary of the board of education, within twenty-four hours after closing the polls; and said inspectors shall cause one copy of the list of persons so voting or offering to vote at said election, duly certified to, to be delivered to the secretary of the board of education, and the other copy, also duly certified to, to the city clerk of said city.

“§ 9. At the election to be held on the third Tuesday of May, one thousand eight hundred and seventy-six, there shall be elected nine commissioners, to be voted for under the title of ‘commissioners of public schools,’ in the same manner as other city officers are elected, except that only six names shall be voted on any ticket, and any ticket having thereon more than six names shall not be counted, and no person entitled to vote at such election shall vote for more than six of said commissioners; and the nine persons receiving the highest number of votes at such election shall be declared elected commissioners as aforesaid.

“§ 10. The common council of said city shall meet at the common council room at ten o’clock in the forenoon, on Thursday next after the election, and the statements of the inspectors of the several election districts shall be produced by the city clerk, and the common council shall forthwith determine and declare who are, by the greatest number of votes, elected as said commissioners, as appears by said returns. And they shall thereupon proceed to classify by lot the commissioners so elected, in manner following: The names of the six commissioners who were elected by the highest number of votes shall be placed in a box by themselves, and the names of the other three commissioners elected shall, in like manner, be placed in another and separate box by themselves. The names of two commissioners shall then be drawn from the box containing the six names, and one name shall be drawn from the box containing the three names, and the person whose names are so drawn shall constitute the first class, and shall hold their office for three years. In like manner the names of two additional commissioners shall be drawn from the first-named box, and the name of one additional commissioner from the second-named box, and the three persons whose names are so drawn at the second drawing shall constitute the second class, and shall hold their office for two years. The other three commissioners whose names are not drawn shall constitute the third class, and shall hold their office for one year. And the common council shall

make and sign a determination of such election and classification of the commissioners so as before elected, which shall be entered in the minutes and the original filed by the city clerk in his office, and a copy thereof in the office of the secretary of the board of education, and the city clerk shall notify every person so elected of his election and classification within twenty-four hours after such determination.

“ § 11. The said board of education, so constituted, shall hold their first regular meeting on the following fourth Tuesday of May, eighteen hundred and seventy-six, at ten o'clock A. M., at the regular place of meeting of the present board of education, and elect by ballot one of their number president, who shall hold his office for one year, and until his successor shall be designated; and said board shall annually thereafter meet at their regular place of meeting on the fourth Tuesday of May, and designate by ballot one of their number to be president of said board for the ensuing year.

“ § 12. There shall be held a special election, annually, on the third Tuesday of May, after the year eighteen hundred and seventy-six, at which there shall be elected three commissioners of public schools aforesaid, to take the places of those commissioners whose terms of office are about to expire, and whose terms of office shall commence on the Tuesday succeeding such election, and continue for three years, and at which election any vacancies which may have occurred during the previous year may be filled. The regulations prescribed for the first election under this act, and for the determination by the common council of who have been elected, shall, so far as applicable, apply to each annual election. After the first election only two persons shall be voted for upon any one ticket for the full term of such office, and the three persons having the highest number of votes shall be declared elected; and any ticket having thereon more than two names for such commissioners shall not be counted, and no person entitled to vote at any such election shall vote for more than two of said commissioners.

“ § 13. In case of a tie vote of any election herein provided for, the mayor and common council of said city, at the first meeting after such election, shall determine by ballot who, among those receiving the highest number of votes, shall be declared elected, and the person or persons so designated shall be commissioner or commissioners, the same as if duly elected by a majority vote.

“ § 14. In case of a vacancy of said board of education occasioned by the death or resignation of any of its members or otherwise, the said board of education shall fill the same for the unexpired term by appointment by ballot, and the vote of two-thirds of all the members of said board shall be necessary to a choice.

“ § 15. The inspectors of election provided for in this act shall be entitled to the like compensation as inspectors of election for said city are allowed for similar services, to be paid out of the school fund of said city, on the order of the board of education of said city.

“ § 16. The commissioners elected or appointed under this act shall, within ten days after being notified of their election, and before entering upon the duties of their office, take and subscribe the official oath prescribed by law for other city officers, and file the same in the city clerk's office, and any neglect so to do shall be deemed a refusal to serve, and the office shall thereupon become vacant.

“ § 17. A majority of said board of education shall constitute a quorum, but a less number may adjourn.

“§ 18. Regular meetings of said board of education, for the transaction of business, shall be held on the first Tuesday of each month, and said board shall make such rules and regulations for its own government as it shall from time to time find necessary. Special meetings of said board may be held on the order of the president, or upon the request of any two members of said board, after due notice to all the members by the secretary of the time, place and purpose of such special meetings, and no business shall be transacted thereat except such as shall be specified in the notice thereof. In the absence of the president the board may appoint some other member to preside and perform the duties of president.

“§ 19. The said board of education shall have power and it shall be its duty to continue, organize, establish and maintain such and so many public schools in said city as said board may deem necessary for the proper education of all persons entitled to the benefits thereof; to purchase, lease or improve sites and additions thereto for school-houses; to purchase, build, lease, enlarge, alter, improve or repair school-houses, and their out-houses and appurtenances; to sell and convey any real or personal property belonging to the school fund, in the manner hereinafter provided; to purchase, exchange, improve and repair any school apparatus, books, furniture or appendages, and to defray the expenses of the school library or libraries; but the powers herein granted shall not be deemed to authorize the furnishing, with class or text-books, any scholar whose parents or guardians shall be able to furnish the same; to have the care, custody and safe keeping of all school property, both real and personal, and to prescribe penalties for any damages thereto or misuse thereof; to contract with and employ all necessary teachers for such public schools, subject to the removal of any such teacher whenever said board may deem it for the best interest of the schools; to establish evening schools for the benefit of those whose ages or vocations are such as to preclude their attendance upon the day schools, in this act provided for; to pay the wages of all teachers employed by said board out of the funds appropriated by law for such purpose; to audit and pay all necessary contingent expenses of the board, including the salary of the secretary and superintendent, the wages of janitors, the cost of fuel, and any and all other necessary expenditures incurred in the conduct of said schools; and the payment of the same or of such parts thereof as shall be allowed by the said board shall be made directly to such claimants, out of the moneys belonging to the public school fund, upon the order of said board, as hereinafter provided; but the aggregate of the expenditures and contracts of said board during any year shall not exceed the amount of moneys which shall be subject to their order during the then current year; to have the general superintendence and management of the public schools of said city, and from time to time adopt, alter, modify or repeal, as they may deem expedient, any rules or regulations for the organization, government and instruction of said schools, for the reception of pupils, their transfer from one department to another, for their advancement from class to class, as their degrees of scholarship shall warrant, and generally for the promotion of the good order, prosperity and public utility of said schools; and to that end such board is hereby vested with the control and authority over all pupils attending the schools under its charge, both while in actual attendance and in going to and returning from schools.

“§ 20. The academic high school shall be considered as one of the



public schools of said city, and shall be continued as provided in section three of chapter one hundred and seventy-six of the Laws of eighteen hundred and sixty-six, and said high school shall be entitled to all the privileges of the academies of the State, and be subject to visitations from the Regents of the University, and share in the distribution of the moneys of the literature and other funds of the State, and be subject to all the rules and regulations applicable to the incorporated academies of the State.

“§ 21. The said board of education may admit to any of the public schools under its charge any pupils whose parents or legal guardians are not residents of said city, upon payment of such tuition fee as the said board may from time to time prescribe, but in no case shall any tuition fee be charged for any pupil whose parents or legal guardians are residents of said city.

“§ 22. It shall be the duty of said board of education to elect a secretary, who shall hold office during the pleasure of the board. They shall fix his salary, and he shall be superintendent of all the schools under the care of the board. As superintendent he shall, under direction of the board, determine the course of studies to be pursued in the different schools; he shall hold teachers' institutes as the board may direct; he shall visit each school personally as often as his other duties will permit; he shall recommend to the board such regulations as he may deem best for the management and control of the schools, and perform such other duties as the board may from time to time impose. As secretary, he shall keep a record of the proceedings of each meeting of said board, which shall at all times be open to public inspection, shall countersign all checks, drafts or warrants drawn by the board, and perform all other duties which the board may from time to time enjoin. He shall annually present to the board, at their regular meeting in August, a report, which shall contain a statement of the condition of the schools for the year preceding, the number of scholars who have been in attendance during such year, the receipts and expenditures of the board on account of the public schools, and such other information as such board may require and direct.

“§ 23. All teachers in public schools of said city shall be employed by said board of education, subject to such regulations and restrictions as said board may from time to time prescribe, and any such teacher may be removed for cause, to be specified in minutes of the proceeding of said board; and in case of such removal the contract with such teacher shall cease.

“§ 24. The board of education is hereby authorized to organize a teachers' class in high school of said city, which shall be entitled to an annual allowance from the literature fund of the State of New York, on the conditions and rules of the Regents of the University, adopted for the distribution of said fund in academies in which such classes are instructed.

“§ 25. The said board of education is hereby authorized to employ a teacher or teachers in the asylum for destitute children in said city, and to pay therefor out of the public school fund in like manner as other teachers are paid, and said board is hereby authorized to supply said asylum with fuel for school purposes, in like manner as other schools are supplied; and said board shall have the same care, oversight and direction of said school as the other public schools in said city: but nothing

n this act shall be construed to give the board of education any control over the management of said asylum except as herein provided.

“§ 26. The said board of education may impose a penalty, not exceeding one hundred dollars in any one case, for any misuse of or damage to any real or personal property under its charge, and such penalty, together with costs, shall be collected in the name of the said board, in the same manner that penalties for the violation of the ordinances of the common council of said city are collected, and when so collected shall be paid to the treasurer and tax receiver of said city, to be placed by him to the credit of the general school fund; and the parent or guardian of any minor, and the master or mistress of any apprentice or servant, shall be liable to any such penalty and costs for a violation by any such minor, apprentice or servant, of any ordinance adopted by said board of education. It shall be sufficient notice of any ordinance imposing such penalty to cause the same to be published in any daily newspaper of said city for one week.

“§ 27. The said board of education may sell and dispose of any personal property, at any time, belonging to a school fund of said city, by a vote of a majority of the members of said board, at any regular meeting, after one month's notice thereof; and may also sell, convey and dispose of any real estate, at any time, belonging to said school fund, by a vote of two-thirds of the members of said board, at any two regular consecutive monthly meetings of said board, and the avails of the sales of any such real or personal property shall be deposited with the treasurer and tax receiver of said city to the credit of the general school fund.

“§ 28. It shall be the duty of said board of education, annually, on or before the first Tuesday in August, to fix, determine, certify and report to the common council of said city the amount of money which, when added to the amount of money annually apportioned to the public schools of said city, out of the funds belonging to the State, shall be necessary to defray the expenses of all the public schools under the charge of said board for the ensuing year for building, fuel, furniture, school apparatus, repairs, insurance, teachers' wages and contingent expenses of the schools, and to pay the compensation of the secretary and superintendent aforesaid, and the contingent expenses of such board. The amount so certified, exclusive of the amount required for building purposes, shall in no case exceed six times the amount which shall have been apportioned out of the funds belonging to the State as aforesaid, for the year next preceding. And the amount to be raised for building purposes shall in no case exceed eight thousand dollars in any one year, unless by the unanimous consent of every member of said board.

“§ 29. The common council of said city shall annually levy and raise the amount of money so certified and reported by the board of education, and the amount so to be raised shall be levied and collected at the same time and in the same manner as the other general taxes of the said city are levied and raised, and in addition thereto; but all moneys raised for school purposes under this act shall be rated separately and as collected shall be kept separate and distinct from the other taxes levied and collected for city purposes.

“§ 30. All moneys levied and raised for the support of public schools, together with the public money received from the State, and all moneys received from other sources for school purposes shall be paid to the treasurer and tax receiver of the city of Auburn, in trust, and shall by him be kept separate and distinct from other moneys, and shall at least



as often as once in each week be by him deposited to the credit of the board of education in some bank of deposit or trust, to be designated as hereinafter directed, said deposits to be known and distinguished as the public school fund of the city of Auburn. Said fund so deposited as aforesaid shall be drawn out only upon order of the board of education, by resolution adopted by a two-thirds vote of said board and signed by the president, and countersigned by the secretary of said board of education. Such order shall specify for what purpose the amount named therein shall be paid, and the secretary of such board shall keep an accurate account of all orders drawn on said fund, in a book to be kept by him for that purpose, and shall report at each monthly meeting to the board the amount of such orders drawn from the commencement of the fiscal year to the date of such report. The treasurer and tax receiver shall also report to said board, on the first day of each and every month, the condition of the school fund in his hands, if any, also the amount of said fund which has come into his hands during the preceding month, and when and where deposited. And the bank or trust company holding said deposit shall be required to report to said board of education, on the first day of each and every month, the transactions of said board with said bank or trust company during the preceding month, stating the amount on hand at the commencement of the month; the several amounts deposited during the month, the amount of interest allowed on monthly balances on hand as shall be agreed upon, and the amounts drawn, and on whose order, the balance in bank to the credit of the board at the close of the month. In case said treasurer and tax receiver shall retain in his hands, contrary to the true intent and meaning of this act, or shall transfer or divert any part of the school moneys coming into his hands to any other purpose than is herein specified, it shall be the duty of said board immediately to commence suit in the supreme court against such treasurer and tax receiver and his sureties, for the recovery of the sum so unlawfully retained, transferred or diverted, and double taxable costs shall be allowed against such treasurer and tax receiver and his sureties, upon recovery of any sum against them, and such treasurer and tax receiver and his sureties are hereby declared to be liable on their official bonds for any default, delinquency, neglect or misconduct in relation to the trust created by this act. And the treasurer and tax receiver shall for each and every willful violation of either of the provisions of this section, be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court before which such conviction shall be had.

“The board of education of said city of Auburn are hereby authorized at their first regular meeting in September in each and every year, to designate the bank of deposit or trust wherein said school fund shall be deposited for the ensuing year. The board of education shall require from any depository designated for the deposit of such school moneys, a bond, in such amount and with such sureties as shall be approved by the mayor of said city of Auburn, and by the president of said board of education for the safe keeping of such school moneys, and the payment of the same as required upon the orders of the board, and which said bond shall be renewed whenever required by said board of education, such bond shall be made payable to said board of education, and filed in the office of the clerk of Cayuga county, and suit shall be brought

thereon by said board of education for any deficiency in complying with any of the conditions thereof, whenever required by a vote of a majority of said board.

"§ 31. The said board of education shall, annually, on the first day of August, or as soon thereafter as practicable, cause a report to be prepared and published for general distribution among the patrons of the public schools of said city, which shall give in detail all practical information concerning the management, expenses and progress of the public schools aforesaid.

"§ 32. An appeal may be taken to the State Superintendent of Public Instruction from any proceeding of said board of education.

"§ 33. All acts and parts of acts inconsistent with this act are hereby repealed.

"§ 34. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Scudder
Badger	Dessar	Law	Shattuck
Barrow	Ely	Lawrence	Sherman
Beach	Farrar	Lewis	Shiel
Benedict	Faulkner	Lincoln	Slingerland
Bennett	Fay	McAfee	Speaker
Bishop	Fish	McGowan	Stauf
Bordwell	Gallagher	Merwin	Struble
Bradley	Gedney	J. W. Miller	Talmage
Broas	Hammond	Muller	W. F. Taylor
Brogan	Hanrahan	Oakley	Tewksbury
Brown	Hepburn	O'Keefe	Vedder
Burtis	Hess	Peck	Waehner
Calkins	Hogan	Petty	Wellington
T. C. Campbell	Houghton	Pierson	Wenzel
T. J. Campbell	Husted	Prince	Whitmore
Clark	Ives	Ransom	Willis
Coffey	W. Johnson	Reilly	Witbeck
Comstock	Keenan	Roscoe	Worth
Cooke	Kennaday	Russell	Wurts
Daggett	Kirk	Schenck	Yost
Daly	Krack	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act in relation to police justices in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to legalize and confirm the official acts and proceedings of Edson Potter, Harvey P. Potter, Benjamin F. Read and William Horton as constables in the town of Colton, county of St. Lawrence," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Law	Shattuck
Badger	Decker	Lawrence	Sherwood
Barkley	Dessar	Lawson	Shiel
Beach	Ely	Lillybridge	Silverman
Benedict	Farrar	Mackin	Smith
Bennett	Fay	McGowan	Stacy
Berry	Friend	McGroarty	Stauf
Bordwell	Gallagher	J. W. Miller	Talmage
Bradley	Green	Muller	G. Taylor
Braman	Hammond	Oakley	Tewksbury
Brogan	Hanrahan	Page	Tremain
Burtis	Hepburn	Petty	Vosburgh
Calkins	Hess	Pierson	Waehner
T. C. Campbell	Hogan	Pope	Wenzel
T. J. Campbell	Houghton	Ransom	Whitmore
Clark	Husted	Rich	Willis
Coffey	W. Johnson	Roscoe	Worth
Cole	W. A. Johnson	Sanford	Wurts
Cooke	Kennaday	Schieffelin	Yost
Costigan	Krack	Scudder	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the opening and improvement of Lewis avenue, and for extending, opening and improving of Downing street, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Scudder
Barkley	Edson	Krack	Shattuck
Barrow	Ely	Kshinka	Sherman
Beach	Faulkner	Law	Shiel
Benedict	Fay	Lewis	Silverman
Berry	Fish	Lillybridge	Smith

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Bordwell	Friend	Mackin	Speaker
Bradley	Gallagher	McGroarty	Stephens
Broas	Griffin	J. W. Miller	Struble
Brogan	Hanrahan	Muller	Talmage
Calkins	Hess	Oakley	G. Taylor
T. C. Campbell	Hinckley	Page	Tewksbury
T. J. Campbell	Holmes	Peck	Vosburgh
Clark	Houghton	Pierson	Waehner
Comstock	Hussey	Ransom	Wenzel
Cooke	Ives	Reilly	Whitmore
Daggett	W. Johnson	Roscoe	Witbeck
Daly	Keenan	Schenck	Wurts
Decker	Kennaday	Schuyler	Yost

Those who voted in the negative, were

Coffey                      O'Keefe

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 184 of the Laws of 1866, entitled 'An act for the better protection of seamen in the port and harbor of New York,' passed March 21, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 20 }

Those who voted in the affirmative, were

Alvord	Faulkner	Mackin	Shiel
Barkley	Fish	McGowan	Silverman
Beardsley	Gallagher	McGroarty	Slingerland
Braman	Hammond	Muller	Smith
Broas	Hanrahan	Oakley	Speaker
Brogan	Hauschel	O'Keefe	Stauf
Brown	Hess	Page	Struble
T. C. Campbell	Hogan	Petty	Talmage
T. J. Campbell	Holmes	Pierson	G. Taylor
Cleary	W. Johnson	Ransom	Tewksbury
Coffey	Keenan	Reilly	Vedder
Cole	Kirk	Rich	Vosburgh
Cooke	Ksbinka	Roscoe	Waehner
Costigan	Lawrence	Sanford	Wenzel
Dessar	Lawson	Schenck	Whitmore
Edson	Lewis	Scudder	Worth
Ely	Lincoln	Shattuck	Wurts

Those who voted in the negative, were

Badger	Burtis	Houghton	Prince
Barrow	Clark	Ives	Russell
Benedict	Comstock	W. A. Johnson	Schieffelin
Bishop	Farrar	Peck	Seward
Bowen	Green	Pope	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Waehner, and by unanimous consent, the committee on the judiciary was discharged from the further consideration of the Senate bill entitled "An act in relation to police justices in the city of New York," and the same ordered to a third reading.

The bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," being announced for a third reading,

On motion of Mr. G. Taylor, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, strike out the word "said" and insert in lieu thereof the words "chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

Amend the title so as to read, "An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 73 }  
{ NOES 13 }

Those who voted in the affirmative, were

Alvord	Costigan	Law	Schuyler
Badger	Daly	Lawrence	Scudder
Barkley	Dessar	Lawson	Seward
Barrow	Edson	Lewis	Shattuck
Beardsley	Faulkner	Lincoln	Sherman
Benedict	Fay	McAfee	Shiel
Bennett	Fish	McGowan	Silverman
Bordwell	Gallagher	McGroarty	Speaker
Bowen	Green	Muller	Stauf
Broas	Hammond	O'Keefe	Struble
Brogan	Hanrahan	Page	Talmage
Brown	Hauschel	Petty	G. Taylor
Burtis	Hess	Prince	Tewksbury
T. C. Campbell	Holmes	Ransom	Vedder
T. J. Campbell	Houghton	Rich	Waehner
Clark	Ives	Sanford	Wenzel
Cleary	W. A. Johnson	Schenck	West
Cole	Kirk	Schieffelin	Worth
Comstock			

Those who voted in the negative, were

Bishop	Hogan	Peck	Smith
Cooke	Hussey	Pope	Whitmore
Ely	Kshinka	Reilly	Willis
Griffin			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relating to the Buffalo East Side Street Railway Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Shattuck
Barkley	Edson	Lewis	Shiel
Barrow	Farrar	Lillybridge	Silverman
Beach	Faulkner	Mackin	Smith
Beardsley	Fish	McAfee	Speaker
Bennett	Gallagher	McGowan	Stauf
Berry	Green	Merwin	Struble
Bordwell	Hanrahan	W. Miller	Talmage
Bradley	Hauschel	Muller	G. Taylor
Broas	Hess	O'Keefe	Tewksbury
Brown	Hinckley	Peck	Vedder
Calkins	Holmes	Petty	Vosburgh
T. C. Campbell	Hussey	Pope	Waehner
T. J. Campbell	Husted	Ransom	West
Clark	Ives	Rich	Whitmore
Cleary	W. Johnson	Russell	Willis
Cole	Keenan	Sanford	Witbeck
Comstock	Kirk	Schenck	Worth
Costigan	Krack	Scudder	Wurts
Daggett	Kshinka	Seward	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act in relation to police justices in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 7 }

Those who voted in the affirmative, were

Alvord	Daggett	Ives	Reilly
Barkley	Decker	W. Johnson	Rich
Beach	Dessar	W. A. Johnson	Russell
Beardsley	Edson	Kennaday	Schenck
Benedict	Ely	Kirk	Scudder
Bennett	Farrar	Krack	Shattuck
Bishop	Faulkner	Kshinka	Shiel
Bordwell	Fish	Law	Silverman
Bradley	Friend	Lawson	Smith

Broas	Gallagher	Lewis	Speaker
Brown	Griffin	Lincoln	Stauf
Calkins	Hammond	Mackin	Talmage
T. C. Campbell	Hanrahan	McGowan	Vedder
T. J. Campbell	Hauschel	McGroarty	Vosburgh
Clark	Hepburn	Oakley	Waehner
Cleary	Hess	Page	Wenzel
Cole	Hogan	Petty	West
Comstock	Holmes	Pierson	Worth
Cooke	Houghton	Ransom	

Those who voted in the negative, were

Daly	Muller	Schuyler	Willis
McAfee	Schieffelin	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Vedder, and by unanimous consent,

*Resolved*, That the bill entitled "An act in relation to corporations transacting business in other States," be referred to the sub-committee of the whole.

The bill entitled "An act to amend chapter 637 of the Laws of 1874, entitled 'An act to provide for the opening and improvement of a portion of Grand street, in the city of Brooklyn, and the extension of the same and improvement of such extension in Queens county, and to provide for the payment therefor,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 51 }  
{ NOES 24 }

Those who voted in the affirmative, were

Alvord	T. J. Campbell	Griffin	Pierson
Badger	Clark	Hogan	Roscoe
Barkley	Cleary	Holmes	Schenck
Barrow	Cole	Ives	Schieffelin
Beardsley	Comstock	W. A. Johnson	Schuyler
Benedict	Cooke	Lawson	Scudder
Bishop	Dessar	Lewis	Seward
Bordwell	Ely	Lincoln	Slingerland
Bowen	Faulkner	McAfee	Speaker
Brown	Fay	McGroarty	Struble
Burtis	Fish	Oakley	Tremain
Calkins	Gallagher	Page	Willis
T. C. Campbell	Green	Peck	

Those who voted in the negative, were

Broas	Kirk	Reilly	Talmage
Coffey	Lawrence	Sanford	Waehner
Costigan	O'Keefe	Shiel	Wenzel
Hammond	Petty	Silverman	Whitmore
W. Johnson	Pope	Smith	Worth
Keenan	Ransom	Stacy	Wurts



Mr. Alvord moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act in relation to the county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia," with a message informing of non-concurrence in the amendments of the Assembly thereto, that they have appointed a committee of conference thereon, consisting of Messrs. Johnson, Robertson and Ray, and request a like committee on the part of the Assembly.

Mr. Hammond moved that said request be granted.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Hammond, Schuyler, Lincoln, Waehner and T. C. Campbell were appointed as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of assent to a committee of conference thereon.

On motion of Mr. Waehner, and by unanimous consent,

*Resolved*, That the bill entitled "An act to incorporate the Narrowsburgh Bridge Company," be referred to the sub-committee of the whole.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

"An act to authorize the common council of the city of Syracuse to repave Salina street in said city."

"An act to declare a road in Clinton county a public highway."

"An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow."

"An act authorizing the city of Buffalo to convey to adjacent land owners lands lying within the limits of certain streets, located in the south village of Black Rock, whenever any such street shall be discontinued or contracted."

"An act to provide for the payment for the use and occupation of armories and drill rooms in the city and county of New York."

"An act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign to the board of education certain property to be used for school purposes."

"An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York, also of Clyde and Seneca rivers, in counties of Wayne and Cayuga.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of the reconsideration of the vote on the final passage of the bills recalled from the Governor hereinafter named, and of the passage of the same as amended by the Assembly:

"An act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof."

"An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter.' "

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Alvord, at 12 o'clock and 50 minutes, the House adjourned.

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MONDAY, MAY 17, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Love.

The reading of the journal of the 14th was dispensed with.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to amend chapter 51 of the Laws of 1864, entitled 'An act in relation to the bureau of military statistics.' "

"An act providing for the appointment of trustees of the estates of persons absenting themselves from their domiciles in this State and remaining unheard of or suddenly disappearing."

"An act to amend chapter 395 of the Laws of 1853, entitled 'An act for the incorporation of library companies.' "

*Ordered*, That the Clerk return said bills to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to provide for the settlement of the floating debt of the village of Saratoga Springs, and authorizing the election of a permanent board of auditors for said village."

"An act further to amend chapter 674 of the Laws of 1870, entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, June 7, 1873, and May 1, 1874."

"An act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bills entitled as follows:

"An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water.' "

"An act in relation to habitual drunkards, vagrants and prostitutes in the county of Erie."

"An act to reduce rates of ferriage on certain ferry routes between the city of New York and the seventeenth ward of the city of Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries."

"An act to authorize the reduction of the capital stock of the New York Loan and Indemnity Company in the city of New York, and to change its corporate name."

"An act relating to lands in the old military tract sold by the State Engineer and Surveyor."

"An act to amend an act entitled 'An act to amend the act for the protection and improvement of the Seneca Indians residing on the Catarangus and Allegany reservations in this State,' passed November 15, 1847."

"An act to provide for the election of police justices in villages."

"An act to abandon the further use by the people of the State of New York of the buildings, lands and improvements in the county of Albany used as a public arsenal, and to convey said buildings and improvements to the city of Albany."

"An act to amend chapter 291 of the Laws of 1867, entitled 'An act to incorporate the city of Binghamton,' and the several acts amending the same."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," with a message informing of non-concurrence in the passage of the same.

The Senate returned the bill entitled "An act to reappropriate moneys for construction of new work upon and extraordinary repairs of the canals of this State, and for payment of awards made by the Canal Appraisers," recalled from the Governor for amendment, with a message informing that they had reconsidered the vote on the final passage of said bill, and passed the same as amended by the Assembly.

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 264, entitled "An act to repeal section 3 of chapter 180 of the Laws of 1870, being an act authorizing the town of Friendship to raise money by tax in aid of Friendship Academy."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have concurred in the passage of the same.

A message from the Senate was received and read informing of concurrence in the amendments of the Assembly to the bill entitled as follows:

"An act to amend chapter 344 of the Laws of 1860, entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860, and to define the term of office of the acting superintendent and auditing superintendent of the poor now in office under said act."

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 17, 1875. }

*To the Assembly:*

I return herewith without my approval Assembly bill No. 322, entitled "An act to regulate the course of proceedings at a trial on a charge of felony after a previous conviction for felony."

This bill provides that upon the trial of a person charged with felony

after a previous conviction of that crime, the offender shall first be arraigned on so much only of the indictment as charges the subsequent offense; that, if a plea of not guilty is entered, the jury shall first inquire whether he is guilty of the subsequent offense; that if he pleads guilty, that then the jury shall inquire concerning the previous conviction.

There is no express provision for any inquiry as to the fact of the previous conviction, where the prisoner is found guilty of the subsequent offense after a trial on the merits, and as penal laws are to be construed strictly, it is at least doubtful whether such an inquiry could be had.

Well settled rules of the administration of the criminal law should not be altered for light reasons, nor without the exercise of great care to avoid the introduction of new and doubtful questions of construction.

This bill is loosely drawn, and does not fully provide for all the exigences which may arise under it. For instance, where the prisoner pleads guilty of the subsequent offense, and the jury disagree as to the fact of the previous conviction, it cannot from the language of this bill be gathered whether the prisoner is to be sentenced for the lesser offense or whether there must be a new trial upon all the issues.

The apparent purpose of the bill is to guard against the jury being prejudiced by the fact of the previous conviction.

With an intelligent jury, acting under the guidance of an experienced and learned judge, there can be no danger of serious injury to the rights of the prisoner at all comparable to the evils which result from a hasty and ill considered change in the well settled rules of conducting trials of criminal cases. Besides, under this bill as amended in the Senate, the jury might be informed of the previous conviction by the reading of the indictment.

So long as several different misdemeanors can be charged in the same indictment, and tried at the same time, there can be no impropriety in trying at the same time all the questions involved in the allegation of a single crime, although they involve distinct issues.

SAMUEL J. TILDEN.

On motion of Mr. T. J. Campbell, said message was laid on the table.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 17, 1875. }

*To the Assembly:*

I return herewith, without my approval, Assembly bill No. 345, entitled "An act in relation to the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church."

The corporation named in the title of this bill is the owner of a large tract of land, a portion of which has been subdivided into lots, and leased for long terms to various persons, who may or may not be incorporators, and who have erected cottages thereon. I am informed that that these leases contain no reservation of rent, and no provision authorizing any assessment to be made by the corporation upon the leased property for any purpose.

This bill provides that the corporation may levy a tax upon the real and personal property within or upon its grounds for the purpose of paying the salary of a janitor and improving and protecting the property, not exceeding five hundred dollars in any one year, unless otherwise

ordered by a vote of two-thirds of the property holders. It provides for the election of an assessor and a collector, and the mode of assessing and collecting the tax corresponds generally with that prescribed for the assessment and collection of town taxes.

In my opinion it would be a dangerous innovation for the State to delegate any portion of its taxing power to a private corporation.

The object sought to be obtained by this bill can be better accomplished by an agreement between the persons interested.

SAMUEL J. TILDEN.

On motion of Mr. Alvord, said message was laid on the table.

Mr. Sherman offered for the consideration of the House a resolution, in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting the return, for amendment, of the Assembly bill entitled "An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to provide for the recording of certain decrees in partition suits in the clerk's offices of certain counties of this State, and for the alphabetical indexing of the names of the grantors and grantees of deeds, mortgages and other instruments recorded and to be recorded in said clerks' offices," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, and also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations," with a message informing of non-concurrence in the amendments of the Assembly thereto, that they have appointed a committee of conference thereon, consisting of Messrs. Woodin, Booth and Fox, and request a like committee on the part of the Assembly.

Mr. Daly moved that the request of the Senate be granted, and a like committee appointed on the part of the Assembly.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Daly, McGowan, T. J. Campbell, Hess and Worth were appointed such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of assent to a committee of conference thereon.

The Senate returned the bill entitled "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in antici-



pation of the collection of assessments therefor, and to provide for the services rendered in laying out, opening streets, avenues, roads or public parks and places in the city of New York," with a message informing of non-concurrence in the amendments of the Assembly to the same, and that they have appointed a committee of conference thereon consisting of Messrs Woodin, Booth and Fox, and request a like committee on the part of the Assembly.

Mr. Daly moved that the request of the Senate be granted, and a like committee appointed on the part of the Assembly.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Daly, McGowan, T. J. Campbell, Hess and Worth were appointed as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of assent to a committee of conference thereon.

The Senate returned the bill entitled "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York," with a message informing of non-concurrence in the amendments of the Assembly thereto, that they have appointed a committee of conference thereon, consisting of Messrs. Woodin, Booth and Fox, and request a like committee on the part of the Assembly.

Mr. Daly moved that the request of the Senate be granted, and that a like committee be appointed on the part of the Assembly.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Daly, McGowan, T. J. Campbell, Hess and Worth were appointed as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of assent to a committee of conference thereon.

The Senate returned the bill entitled as follows:

"An act to revise and consolidate the several acts relative to public schools in the city of Auburn."

*Ordered*, That the Clerk deliver said bill to the Governor.

Leave of absence was granted to Mr. Beach indefinitely, and to Mr. McAfee until Thursday.

Mr. McGowan called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to provide for the elections of the justices of the district courts in the city of New York." With the following amendment:

Strike out all after the enacting clause and insert the following, being Senate bill No. 315:

"SECTION 1. There shall be and hereby is created an inferior local court in the city of New York, to be known as the municipal court of the city of New York. The judges of said court shall be nine in number, who shall be appointed by the mayor of the city of New York, and who shall hold office for a period of ten years from the first day of January, one thousand eight hundred and seventy-six.

"§ 2. The said municipal court shall have jurisdiction of the following actions:

"1. In actions similar to those as provided by sections fifty-three and fifty-four of the Code of Procedure, where the sum recovered shall not exceed three hundred and fifty dollars, and notwithstanding that the accounts of both parties exceed the sum of six hundred dollars.

"2. In an action upon a charter, ordinance or a by-law of the corpora

tion of the city of New York, or a statute of this State, where the penalty does not exceed the sum of three hundred and fifty dollars.

"3. In actions in which the people of this State are a party, where such actions are brought by the overseers of the poor, or the commissioners of charities and corrections in the city of New York, upon bastardy or abandonment bonds, where the amount demanded here does not exceed five hundred dollars.

"4. In actions upon a bond of any marshal in case an action therein may be ordered by any justice of the court of common pleas.

"§ 3. The said municipal court hereby created, and the several judges thereof, shall be vested with all the powers and jurisdiction of the existing district courts of the city of New York in addition to that vested in them by this act.

"§ 4. The judges of the said municipal court are hereby authorized, from time to time, by a three-fourth vote thereof, to make such rules in regard to practice therein as they shall consider necessary to simplify the practice thereof, and secure justice to litigants and to enforce the same by imprisonment for contempt, or by fine or by both.

"§ 5. The salaries of the judges to be appointed hereunder shall be seven thousand dollars each per annum, which shall not be diminished during their terms of office, and which shall be provided for and paid by the mayor, aldermen and commonalty of the city of New York, in equal monthly installments.

"§ 6. Upon the expiration of any term or the happening of any vacancy (by death, removal, resignation or other cause) of any judge whose appointment is herein provided for, such vacant place shall be filled and supplied by the appointment of a new judge for a full term of ten years, in the manner in this act provided for the first appointment of judges of said municipal court.

"§ 7. No judge appointed hereunder shall receive, enjoy or share any fees, perquisites or compensation of any kind, directly or indirectly, other than his regular salary, for any service he may render or duty he may perform as such judge.

"§ 8. Said judges shall hold court at all times when the public business shall require it.

"§ 9. The judges to be appointed under this act shall meet on the first Monday after their appointment, and annually thereafter, in the office of the mayor of the city of New York, and by a majority vote of the entire number thereof, proceed to divide the city of New York into departments, and fix the boundaries thereof, and which shall be as nearly equal as possible in size and population, and shall, by a like vote, assign one of their number to hold court in each of said departments during each year; each of said judges, after being assigned as aforesaid, is hereby authorized and empowered to appoint a clerk, who shall receive a salary of two thousand dollars a year, and one assistant clerk, who shall also act as janitor of said court, and shall receive a salary of twelve hundred dollars a year, which shall be paid in the same manner as the salaries of the judges of said court are paid.

"§ 10. The board of estimate and apportionment of the city of New York are hereby authorized to make such additional allowance as in their discretion may seem proper, for officers and clerical assistance, in addition to that above provided for.

"§ 11. It shall be the duty of the mayor, aldermen and commonalty of the city of New York to provide, furnish, supply and pay for such



rooms and other accommodations as may be necessary for the transaction of the business of the judges, courts and clerks thereof created by this act.

"§ 12. All laws and parts of laws heretofore passed creating the office of district justice in the city of New York, or providing in any way for the election of any such district justice, or the payment of the salary of any such justice, or in any manner conferring power, authority or jurisdiction of any kind or character upon any person as such district justice, is hereby repealed, and all persons who are now acting or performing the duties of district justice in the city of New York, are hereby required to deliver all papers and records in their possession as such justices, to the said municipal court hereby created as may be directed by the judges thereof.

"§ 13. None of the provisions of this act shall apply to the justice elected in the tenth judicial district in the city of New York, at the election held on the third day of November, eighteen hundred and seventy-three, during the term for which he was elected, but until the expiration of such term he shall continue in office the same as if this act had not passed, with all the power, authority and jurisdiction that has at any time or by any law been conferred upon him, and he shall receive the same amount of salary as is now fixed by law, while the clerks and other attendants of his court shall continue as at present, and be paid as they are now paid, until the term of office for which said justice was elected.

"§ 14. This act shall take effect at twelve o'clock noon, on the thirty-first day of December, eighteen hundred and seventy-five."

Amend the title so as to read, "An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only."

"An act to amend chapter 51 of the Laws of 1875, entitled 'An act to vest certain powers in the freeholders and inhabitants in the village of Canandaigua,' and the acts amendatory thereof."

Senate, "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855."

"An act to amend chapter 387 of the Laws of 1874, entitled 'An act relating to certain assessment proceedings in the city of Brooklyn, and providing for payment of work done thereunder.' With the following amendments:

Section 1, lines 7 and 8, strike out the words "except for the work petitioned for by a majority of the owners of property fronting on said avenue," and insert the words "on such part of said repaving as is included within the railroad tracks on said avenue." Line 9, same section, strike out the words "other work than that so" and insert the words "said work not."

On motion of Mr. Burtis, said last named bill was recommitted to the sub-committee of the whole.

Which report was then agreed to, and said bills severally ordered engrossed and to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution in the words following:

"Concurrent resolution proposing an amendment to section 4 of article 5 of the Constitution."

*Resolved* (if the Assembly concur), That section 4 of article 5 of the Constitution be amended so as to read as follows:

"§ 4. A Superintendent of State Prisons shall be appointed by

the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of the State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 77 }  
{ NOES 00 }

\*Those who voted in the affirmative, were

Alvord	Farrar	Lincoln	Shiel
Barkley	Faulkner	Mackin	Slingerland
Beardsley	Fay	McGowan	Smith
Benedict	Fish	McGroarty	Speaker
Bennett	Hammond	Oakley	Stauf
Berry	Hauschel	O'Keefe	Struble
Bordwell	Hess	Peck	Talmage
Braman	Hinckley	Petty	G. Taylor
Brogan	Hogan	Pierson	W. F. Taylor
Burtis	Holmes	Prince	Tewksbury
Calkins	Hussey	Russell	Vedder
T. C. Campbell	Husted	Sanford	Waehner
T. J. Campbell	Ives	Schenck	Wellington
Clark	Keenan	Schieffelin	Wenzel
Cole	Krack	Schuyler	West
Cooke	Lawrence	Scudder	Willis
Costigan	Lawson	Seward	Witbeck
Daly	Lewis	Sherman	Wurts
Decker	Lillybridge	Sherwood	Yost
Ely			

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

"Concurrent resolution proposing an amendment to section 3 of article 5 of the Constitution."

*Resolved* (if the Assembly concur), That section 3 of article 5 of the Constitution be amended so as to read as follows :

"§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him.

"The office of Canal Commissioner is abolished, from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature.

"The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution it be published for three months previous to the time of such election.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawson	Scudder
Barkley	Farrar	Lewis	Seward
Beardsley	Fay	Lillybridge	Sherman
Benedict	Fish	Lincoln	Shiel
Bennett	Friend	Mackin	Slingerland
Berry	Gallagher	McGowan	Smith
Bishop	Gedney	McGroarty	Speaker
Bordwell	Griffin	Merwin	Stauf
Braman	Haminond	J. W. Miller	Struble
Brogan	Hanrahan	Oakley	Talmage
Burtis	Hauschel	O'Keefe	G. Taylor
Calkins	Hess	Page	W. F. Taylor
T. C. Campbell	Hinckley	Petty	Tewksbury
T. J. Campbell	Hogan	Pierson	Vedder
Clark	Holmes	Prince	Wellington
Cole	Hussey	Rich	Wenzel
Cooke	Husted	Roscoe	West
Costigan	Ives	Russell	Whitmore
Daly	Keenan	Sanford	Willis
Davis	Kirk	Schieffelin	Witbeck
Decker	Krack	Schuyler	Yost
Edson	Lawrence		

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Prince called from the table the report of the sub-committee of the whole on the bill entitled "An act to incorporate the Electro-Medical College of the State of New York, in the city of New York."

On motion of Mr. Prince, and by unanimous consent, the fourth section of said bill was stricken out, and the remaining sections numbered to correspond.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed and to a third reading.

On motion of Mr. G. Taylor, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return for amendment of Assembly bill No. 416, entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,' passed April 27, 1872."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. McGroarty, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return for amendment of Assembly bill No. 448, entitled "An act to authorize the court of oyer and terminer and court of sessions of the county of Kings to sentence prisoners convicted in said courts of any offense to the penitentiary of said county for any term for which they might be sentenced to a State prison."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Hanrahan introduced a bill entitled "An act to fix the salaries of the supervisors of the county of Erie," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Hammond introduced a bill entitled "An act to amend chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' " which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

By unanimous consent, Mr. Waehner offered for the consideration of the House a resolution, in the words following:

*Whereas*, The judiciary committee was directed by resolution of this House to inquire into an alleged tampering with the supply bill of 1874, and,

*Whereas*, The said investigation necessitated the employment of a stenographer; therefore,

*Resolved*, That the appointment by the sub-committee of said committee of S. C. Rodgers as such stenographer, at fifteen dollars per day, for the forty-two days occupied in taking and transcribing such testimony upon such investigation during February and March, is hereby authorized.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 74 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Scudder
Barkley	Farrar	Lawrence	Seward
Beardsley	Faulkner	Lawson	Sherman
Benedict	Fish	Lincoln	Shiel
Bennett	Friend	Mackin	Slingerland
Berry	Gallagher	McGowan	Smith
Bordwell	Gedney	McGroarty	Speaker
Braman	Hammond	J. W. Miller	Stauf
Brogan	Hanrahan	Oakley	Struble
Brown	Hauschel	O'Keefe	Talmage
Burtis	Hess	Petty	G. Taylor
Calkins	Hinckley	Pierson	Vedder
T. J. Campbell	Hogan	Prince	Vosburgh
Cleary	Holmes	Ransom	Waehner
Cole	Houghton	Rich	Wellington
Cooke	Hussey	Schenck	Wenzel
Costigan	Husted	Schieffelin	Wurts
Daly	Ives	Schuyler	Yost
Decker	Kirk		

The Senate returned the bill entitled "An act to repeal section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. So much of section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina,' as reads as follows: 'All license moneys, and all penalties for violation of excise laws or ordinances, shall be paid over to the village treasurer for the benefit of the village of Medina, and may be sued for and recovered in the corporate name of the village,' is hereby repealed.

"§ 2. This act shall take effect immediately."

Amend the title so as to read, "An act to repeal a portion of section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina.'"

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	W. Johnson	Sanford
Barkley	Edson	W. A. Johnson	Schenek
Beardsley	Ely	Kirk	Schieffelin
Bennett	Farrar	Krack	Schuyler
Berry	Faulkner	Lawrence	Scudder
Bishop	Fish	Lawson	Sherman
Bordwell	Gallagher	Lincoln	Silverman
Bowen	Gedney	Mackin	Smith
Braman	Griffin	McGowan	Speaker
Brogan	Hammond	McGroarty	Struble
Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hauschel	Oakley	W. F. Taylor
T. C. Campbell	Hess	Page	Tewksbury
T. J. Campbell	Hinckley	Petty	Vedder
Clark	Hogan	Pierson	Vosburgh
Coffey	Holmes	Prince	Waehner
Cole	Hussey	Ransom	Wenzel
Cooke	Husted	Rich	Wurts
Costigan	Ives	Roscoe	Yost
Daly			

*Ordered*, That the Clerk return said bill to the Senate with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to regulate pilotage for the port of New York," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 15, strike out the word "fifth" and insert the word "tenth."

The amendment having having been read,

Mr. T. J. Campbell moved that the Assembly non-concur in the same,



that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. T. J. Campbell, Oakley, Vosburgh, Alvord and Daggett were appointed as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendment, and request a committee of conference thereon.

The Senate returned the bill entitled "An act to amend chapter 529 of the Laws of 1874, entitled 'An act to provide increased facilities of the fire department of the town of New Lots,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 7, strike out all after "§ 1" and insert in lieu thereof the following: "It shall be lawful for the supervisor and town clerk to call a special town meeting to be held in the town of New Lots, county of Kings, between the first day of June and the first day of August, 1875, to be held between the hours of sunrise and sunset, to determine by ballot whether a sum not to exceed \$25,000 shall be expended for the purpose of increasing the efficiency of the fire department in said town, for which purpose a box shall be provided and ballots prepared, containing the words 'For' or 'Against,' and be indorsed 'Fire department supply,' and if a majority of votes are in favor the supervisor and commissioners of highways for said town of New Lots shall, each of them executing a bond to the county treasurer of said county, within thirty days after such election, in the sum of ten thousand dollars for a faithful discharge of duty and disbursement of moneys which may come into their hands, proceed to effect or carry out the provision contained in the following sections of this act.

"§ 2. This act shall take effect immediately."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	W. A. Johnson	Schenck
Barkley	Dessar	Kirk	Schieffelin
Beardsley	Edson	Krack	Scudder
Benedict	Farrar	Lawrence	Seward
Bennett	Faulkner	Lawson	Sherman
Berry	Fish	Lewis	Shiel
Bordwell	Friend	Lincoln	Slingerland
Braman	Gallagher	McGowan	Smith
Broas	Gedney	McGroarty	Speaker
Brown	Griffin	J. W. Miller	Stauf
Burtis	Hammond	Oakley	Struble
Calkins	Hanrahan	Page	Talmage
T. C. Campbell	Hess	Petty	G. Taylor



T. J. Campbell,	Hinckley	Pierson	W. F. Taylor
Clark	Hogan	Prince	Tewksbury
Cleary	Houghton	Ransom	Vedder
Coffey	Hussey	Reilly	Vosburgh
Comstock	Husted	Rich	Waehner
Cooke	Ives	Russell	Wenzel
Costigan	W. Johnson	Sanford	Yost
Daly			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference, in the words following:

The committee of conference of the Senate and Assembly on the disagreement of the two houses on the Assembly bill (printed No. 182) entitled "An act to provide for the organization and regulation of certain business corporations," respectfully report:

That having met, and after full and free conference have agreed and recommend to their respective houses as follows:

That the Assembly recede from its disagreement to the first and second amendments of the Senate, and agree to the same amended as follows: In section 1, the Senate amendments being stricken out, and the following words inserted: "or corporations intended to derive profit from the loan or use of money," after the words "trust companies," and that the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the third, fourth, fifth, sixth and seventh amendments of the Senate, and agree to the same.

That the Senate recede from their eighth and ninth amendments.

That the Assembly recede from its disagreement to the tenth, eleventh, twelfth and thirteenth amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the fourteenth amendment of the Senate, and agree to the same amended as follows: Insert after the word "clerk" in line 41, the words "and shall not take effect until so filed," and the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first amendments of the Senate and agree to the same.

That the Senate recede from their twenty-second amendment.

That the Assembly recede from its disagreement to the twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh amendments of the Senate, and agree to the same.

That the Senate recede from their twenty-eighth and twenty-ninth amendments.

That the Assembly recede from its disagreement to the thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh and thirty-eighth amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the thirty-ninth amendment of the Senate, and agree to the same amended as follows: After the word "except" in the second line of section 80 of the en-

grossed bill, insert the word "its," and insert the words, "shall be taxed therein" at the close of the section. And the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the fortieth, forty-first, forty-second and forty-third amendments of the Senate, and agree to the same.

That the Senate recede from the forty-fourth amendment.

That the Assembly recede from its disagreement to the forty-fifth, forty-sixth, forty-seventh and forty-eighth amendments of the Senate, and agree to the same.

That the Assembly recede from its disagreement to the forty-ninth amendment of the Senate, and agree to the same amended as follows: The words "or stockholder," in line 4 of section 36 of the engrossed bill, to be stricken out, and the word "or" inserted before the word "director" on such line. And the Senate agree to the amendment as thus amended.

That the Assembly recede from its disagreement to the fiftieth amendment of the Senate, and agree to the same.

That the Senate recede from their fifty-first amendment.

That the Assembly recede from its disagreement to the fifty-second and fifty third amendments of the Senate, and agree to the same.

W. H. ROBERTSON,  
W. B. WOODIN,  
A. P. LANING,  
*Senate Committee.*

L. B. PRINCE,  
JOHN R. KENNADAY,  
R. U. SHERMAN,  
THOS. C. CAMPBELL,  
FRED. W. SEWARD,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

} AYES 89 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Farrar	Krack	Scudder
Barkley	Faulkner	Law	Seward
Beardsley	Fish	Lawrence	Shattuck
Benedict	Friend	Lawson	Sherman
Berry	Gallagher	Lillybridge	Sherwood
Bishop	Gedney	Lincoln	Shiel
Bordwell	Green	McGowan	Silverman
Braman	Griffin	McGroarty	Slingerland
Burtis	Hammond	J. W. Miller	Smith
Calkins	Hanraban	Oakley	Speaker
T C. Campbell	Hauschel	Page	Struble
T. J. Campbell	Hess	Peck	Talmage
Clark	Hinckley	Petty	G. Taylor
Cleary	Hogan	Pierson	Tewksbury
Cole	Holmes	Pope	Vedder
Cooke	Houghton	Prince	Vosburgh
Costigan	Hussey	Ransom	Wachner
Daggett	Husted	Reilly	Wenzel
Daly	Ives	Russell	West

**MAY 17.]**

**1887**

Davis  
Dessar  
Edson  
Ely

W. Johnson  
W. A. Johnson  
Kirk

Sanford  
Schenck  
Schuyler

Willis  
Wurts  
Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to authorize cities, towns and villages to establish and maintain free public libraries and reading rooms," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

"An act in relation to the expenses of contested seats in the legislature of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate returned the bill entitled "An act to authorize the county of Kings to purchase from the State of New York the State arsenal in the city of Brooklyn as an armory, and to provide for the sale of the same by the State," with a message informing of a reconsideration of the vote on the final passage of the same, and have non-concurred in the amendments of the Assembly thereto, and have passed the same amended as follows:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. The county of Kings is hereby authorized to enter upon the lands and property on Portland avenue, Auburn place and Hampden street, in the city of Brooklyn, known as the State arsenal, and to possess and use the same for the purposes of an armory for the Fourteenth regiment of the National Guard of the State of New York, and for this purpose said county of Kings may enter upon and take possession of such premises, and may make such alterations of and repairs to the same, at the expense of said county, as the board of supervisors thereof may in its discretion determine to be necessary and proper; and the said county may occupy the same for the uses and purposes of the National Guard of the State of New York so long as the same shall be required for such uses and purposes.

"§ 2. This act shall take effect immediately."

Amend the title so as to read as follows:

"An act to authorize the county of Kings to possess and use the State arsenal in the city of Brooklyn as an armory, and to alter and repair the same for that purpose."

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Barkley  
Beardsley

Ely  
Farrar  
Faulkner

Lawson  
Lewis  
Lillybridge

Schieffelin  
Seward  
Shattuck

Benedict	Friend	Lincoln	Sherman
Bennett	Gallagher	McAfee	Sherwood
Berry	Gedney	McGowan	Shiel
Bordwell	Griffin	McGroarty	Silverman
Braman	Hammond	J. W. Miller	Smith
Brogan	Hanrahan	W. Miller	Speaker
Burtis	Hepburn	Oakley	Stauf
Calkins	Hess	O'Keefe	Struble
T. C. Campbell	Hogan	Page	Talmage
T. J. Campbell	Holmes	Peck	G. Taylor
Clark	Hussey	Petty	W. F. Taylor
Cleary	Husted	Pierson	Tewksbury
Cole	Ives	Prince	Vosburgh
Comstock	W. Johnson	Ransom	Waehner
Costigan	W. A. Johnson	Reilly	Wenzel
Daly	Kirk	Rich	West
Davis	Krack	Russell	Wurts
Dessar	Law	Sanford	Yost
Edson	Lawrence	Schenck	

Mr. Speaker then put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schieffelin
Barkley	Ely	Law	Scudder
Beardsley	Farrar	Lawrence	Seward
Benedict	Faulkner	Lewis	Sherman
Berry	Fay	Lillybridge	Sherwood
Bordwell	Fish	McGowan	Slingerland
Bradley	Gallagher	McGroarty	Smith
Braman	Gedney	Merwin	Speaker
Brogan	Hammond	J. W. Miller	Stauf
Burtis	Hanrahan	Oakley	Stephens
Calkins	Hauschel	O'Keefe	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hinckley	Peck	Tewksbury
Clark	Holmes	Pierson	Tremain
Cleary	Hussey	Pope	Vosburgh
Coffey	Husted	Ransom	Waehner
Cooke	Ives	Rich	Wenzel
Costigan	W. Johnson	Russell	Whitmore
Daly	W. A. Johnson	Sanford	Wurts
Davis	Kirk	Schenck	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to legalize, ratify and confirm the official action of the board of assessors of the city of New

York, in designating the New Yorker Journal to publish notices in the year 1872, in relation to paving streets, laying crosswalks and building sewers in said city, and providing for payment for the publication of such notices," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 1, strike out the word "all."

Section 2, strike out all after the word "authorized," in line 2, down to and including the word "act," in line 3. Same line, strike out after the word "pay" down to and including the word "hands," in line 4. Line 5, strike out the word "said" and insert the word "the," also strike out the word "the," second occurring, in same line. Line 6, strike out the words "amount with interest due" and insert the words "such sum, not exceeding nineteen hundred dollars, as he shall deem just."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

} AYES 80 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Barkley	Edson	Lawrence	Seward
Beardsley	Ely	Lawson	Shattuck
Benedict	Farrar	Lillybridge	Shiel
Bennett	Faulkner	Mackin	Slingerland
Berry	Fish	McAfee	Smith
Bordwell	Friend	McGowan	Speaker
Bowen	Gallagher	McGroarty	Stacy
Braman	Gedney	J. W. Miller	Stauf
Burtis	Hammond	Oakley	Struble
Calkins	Hanrahan	O'Keefe	Talmage
T. C. Campbell	Hauschel	Peck	G. Taylor
T. C. Campbell	Hess	Petty	Tewksbury
Clark	Hinckley	Pope	Tremain
Coffey	Hussey	Prince	Vedder
Cole	Husted	Ransom	Vosburgh
Cooke	Ives	Rich	Waehner
Costigan	W. Johnson	Russell	West
Daly	W. A. Johnson	Sanford	Wurts
Davis	Kirk	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

On motion of Mr. West, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting the return for amendment of Assembly bill No. 547, entitled "An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company, for the purpose of constructing a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke.'"

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Sherwood, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building and a lock-up thereon, and furnish the same," and the same ordered engrossed and to a third reading.

By unanimous consent,

Mr. Daly, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Coe, Int. No. 55, entitled "An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn and the various amendments thereof,' passed June 28, 1873, and to further amend the charter of the city of Brooklyn," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June 28, 1873, and the act for that purpose passed June 1, 1874," which report was agreed to.

On motion of Mr. McGroarty, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schuyler
Beardsley	Edson	Lawrence	Sherman
Benedict	Ely	Lewis	Shiel
Bennett	Faulkner	Lillybridge	Speaker
Berry	Fish	Lincoln	Stauf
Bishop	Friend	Mackin	Struble
Bordwell	Gallagher	McGowan	G. Taylor
Braman	Gedney	McGroarty	W. F. Taylor
Brogan	Hammond	Merwin	Tewksbury
Brown	Hanrahan	J. W. Miller	Vedder
Calkins	Hauschel	Oakley	Vosburgh
T. C. Campbell	Hess	Page	Waehner
T. J. Campbell	Hogan	Petty	Wenzel
Clark	Holmes	Pierson	West
Cleary	Hussey	Ransom	Whitmore
Coffey	Husted	Reilly	Willis
Cooke	Ives	Roscoe	Witbeck
Costigan	W. Johnson	Russell	Wurts
Daly	Keenan	Schenck	Yost
Davis	Krack		

For the negative,

Talmage

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Speaker announced the special order, being the consideration of the bill entitled as follows:

"An act further to provide for the construction and operation of a steam railway or railways in counties of the State."

The House then resolved into a committee of the whole on said bill, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Hess, from said committee, reported progress on the same, and asked leave to sit again.

The question being on granting leave,

Mr. Husted moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed and to a third reading.

Mr. Alvord moved to lay that motion on the table.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the negative.

{ AYES 16 }  
{ NOES 56 }

Those who voted in the affirmative, were

Alvord	Burtis	Griffin	Schenck
Beardsley	Decker	Hanrahan	Slingerland
Bordwell	Fish	Lawrence	Waehner
Brogan	Gallagher	Lawson	Witbeck

Those who voted in the negative, were

Barkley	Ely	Kshinka	Schnyler
Benedict	Faulkner	Lewis	Seward
Bennett	Friend	Lincoln	Shattuck
Bishop	Gedney	Mackin	Sherwood
Braman	Hammond	McGowan	Shiel
Brown	Hauschel	McGroarty	Smith
T. C. Campbell	Hess	J. W. Miller	Stauf
T. J. Campbell	Hinckley	Oakley	Struble
Clark	Holmes	O'Keefe	Talmage
Cooke	Hussey	Peck	W. F. Taylor
Costigan	Husted	Petty	Vedder
Daly	Ives	Prince	Wenzel
Dessar	Keenan	Roscoe	Whitmore
Edson	Kirk	Schieffelin	Willis

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the affirmative.

{ AYES 62 }  
{ NOES 9 }

Those who voted in the affirmative, were

Barkley	Dessar	Keenan	Schieffelin
Benedict	Edson	Kirk	Schnyler
Bennett	Ely	Kshinka	Seward
Berry	Faulkner	Lewis	Shattuck
Bishop	Fay	Lincoln	Sherwood
Braman	Friend	Mackin	Shiel



Brogan	Gedney	McGowan	Smith
Brown	Griffin	McGroarty	Stauf
Burtis	Hammond	J. W. Miller	Talmage
Calkins	Hauschel	Oakley	W. F. Taylor
T. C. Campbell	Hess	O'Keefe	Vedder
T. J. Campbell	Hinckley	Peck	West
Clark	Holmes	Petty	Whitmore
Cooke	Hussey	Prince	Willis
Costigan	Husted	Roscoe	Wurts
Daly	Ives		

Those who voted in the negative, were

Alvord	Decker	Hanrahan	Slingerland
Beardsley	Gallagher	Schenck	Wachner
Bordwell			

*Ordered*, That said bill be engrossed and to a third reading.

Pending the call, Mr. West asked to be excused from voting.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. T. J. Campbell moved that the House adjourn until to-morrow morning at 10 o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Thereupon, at 11 o'clock and 35 minutes, the House adjourned.

## TUESDAY, MAY 18, 1875.

The House met pursuant to adjournment.

Prayer by Rev. Mr. McGee.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bills entitled as follows:

"An act to provide for the continuance of suits or actions."

"An act to authorize James McAndrew to take, hold and convey real estate."

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act supplemental to chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to incorporate the fire department of the North Shore of Staten Island."

"An act to amend chapter 154 of the Laws of 1875, entitled 'An act for the preservation of fish in the waters of the Genesee river, its branches or tributaries, in the county of Allegany.'"

"An act making appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish."

"An act relative to the Civil Code."

"An act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester."

"An act providing for the election of bay constables in the town of East Hampton, in the county of Suffolk, and to define their duties."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to amend chapter 676 of the Laws of 1870, entitled 'An act to incorporate the Richmond Hotel Company of Staten Island.'"

"An act to release the interest of the people of the State of New York in certain real estate of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs at-law to hold and convey the same."

"An act to amend chapter 21 of the Laws of 1855, entitled 'An act in relation to non-resident highway taxes upon certain lands in Essex county.'"

"An act to amend chapter 825 of the Laws of 1873, entitled 'An act to authorize the laying of rails, and to run cars thereon for the transportation of passengers, in certain streets and avenues in the upper part of the city of New York.'"

"An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business."

"An act to amend chapter 367 of the Laws of 1873, entitled 'An act amending an act entitled An act to establish free schools in district No. 3 of the town of Flushing,' passed April 16, 1857, enlarging said district and authorizing a greater school tax therein."

"An act in relation to the collection of uncollected taxes in the village of Brockport."

"An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York.'"

"An act confirming the title of the trustees of school district No. 3, in the town of Amherst, in the county of Erie, to the lands and property of the Williamsville academy in said county."

"An act to provide for the construction of sewers in the city of Yonkers."

"An act to amend chapter 389 of the Laws of 1854, entitled 'An act to amend and consolidate the laws in relation to Amsterdam village in Montgomery county.'"

"An act authorizing the State Homœopathic Medical Society to change the time for holding annual, regular or special meetings."

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

"An act to amend chapter 42 of the Laws of 1872, entitled 'An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village.'"

"An act to regulate the use of the dock or pier at the foot of Jersey street, in the village of New Brighton, in Richmond county."

"An act authorizing the city of Schenectady to raise money for school purposes."

"An act to further amend chapter 138 of the Laws of 1858, entitled 'An act to authorize the improving and keeping in repair a certain high-

way in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair,' passed March 24, 1857, passed April 12, 1858."

"An act explaining section 1 of chapter 251 of the Laws of 1875, entitled 'An act for the support and maintenance of prisoners confined upon civil process.'"

"An act to repeal section 10 of chapter 398 of the Laws of 1872, entitled 'An act to incorporate the Batavia Literary Association, and appropriating certain moneys thereto.'"

"An act to amend chapter 807 of the Laws of 1873, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

"An act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping."

"An act to authorize the city of Buffalo to issue its bonds for the purpose of extending the supply of water to the city and its inhabitants."

"An act to prevent the taking of fish in or from the waters of Tonawanda creek, so called, and its branches, in the county of Wyoming."

"An act in relation to a public square in the village of Manchester, Ontario county."

"An act in relation to the justices of the peace in the towns of Gates, Greece and Irondequoit, in Monroe county, who reside in that part of said towns added to the city of Rochester by chapter 482 of the Session Laws of 1874."

"An act to provide for the removal of obstructions from the Delaware river and certain of its branches, and to make an appropriation therefor."

"An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,' passed February 28, 1873."

"An act to amend chapter 331 of the Laws of 1858, entitled 'An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors and other officers in said county,' passed April 10, 1857."

"An act to incorporate the Bethlehem Mutual Insurance Association, and for other purposes."

"An act to authorize the coroners of the county of New York to employ a stenographer in certain cases."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Senate returned the resolutions recalling from the Governor the following entitled bills, with a message informing of concurrence in the passage of the same:

"An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company, for the purpose of constructing a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke.'"

"An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses."

"An act to authorize the court of oyer and terminer and court of

sessions of the county of Kings, to sentence prisoners convicted in said courts of any offense to the penitentiary of said county for any term for which they might be sentenced to a State prison."

*Ordered*, That the Clerk deliver said resolutions to the Governor.

The Senate returned the bill entitled "An act to authorize cities to provide railways for rapid transit of persons and property, and to create corporations for that purpose," with a message informing of concurrence in the amendments of the Assembly thereto.

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and chapter 452 of the Laws of 1870, and chapter 810 of the Laws of 1871, amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

"An act to provide for the compensation of non-resident justices sitting and acting as members of the general term of the first judicial department," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

"An act to prevent and punish persons trespassing upon private lands by landing any vessel, boat, scow, or other craft, upon or along the shores of Seneca lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the common council of the city of Buffalo to discontinue East street between Parish and South streets, and Dearborn street between Parish and Tonawanda streets," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered to a third reading.

"An act to regulate investments by insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend an act entitled 'An act to amend the act entitled An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof; and also to repeal the act establishing a capital police district, and to provide for the government thereof, passed April 22, 1865, and the several acts amendatory thereof, in so far as they relate to the city of Albany, passed March 16, 1870, passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Vosburgh, and by unanimous consent, said bill was ordered to a third reading.

"An act to enable the Buffalo General Hospital to change the number of its trustees," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hanrahan, and by unanimous consent, said bill was ordered to a third reading.

"An act relative to certain lands in the village of Flushing devised by Silas Hicks, deceased, to his wife, since deceased, during the term of

her life, and upon her decease to trustees, and to authorize the sale thereof and the disposition of the proceeds of sale in accordance with the provisions of said will," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent, Mr. Oakley introduced a bill entitled "An act supplementary to and amendatory of the several acts relating to the water supply of Long Island City," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Oakley, and by unanimous consent, said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Farrar	Kirk	Schuyler
Barkley	Faulkner	Krack	Scudder
Beardsley	Friend	Kshinka	Seward
Benedict	Gallagher	Lawrence	Sherman
Berry	Gedney	Lawson	Sherwood
Bordwell	Griffin	Lillybridge	Silverman
Bowen	Hammond	Lincoln	Smith
Brogan	Hanrahan	McGowan	Speaker
Brown	Hauschel	McGroarty	Struble
Calkins	Hess	J. W. Miller	Talmage
T. C. Campbell	Hinckley	Oakley	G. Taylor
T. J. Campbell	Hogan	O'Keefe	Vosburgh
Cleary	Holmes	Page	Wæhner
Cole	Houghton	Peck	Wellington
Comstock	Hussey	Pierson	Wenzel
Davis	Ives	Prince	West
Decker	W. Johnson	Ransom	Willis
Dessar	W. A. Johnson	Reilly	Worth
Edson	Keenan	Russell	Wurts
Ely	Kennaday		

For the negative,

Tewksbury

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the resolution recalling from the Governor for amendment the bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,' passed April 27, 1872," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the bill entitled "An act in relation to the estate

of the infant children and heirs-at-law of Martha West Yale, deceased," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 6, line 12, strike out all after the word "be" down to end of section, and insert in lieu thereof the following: "applied in the reduction of the principal of such mortgage to the amount required for the purpose of such improvement."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Seward
Barkley	Farrar	Krack	Sherman
Beardsley	Faulkner	Kshinka	Sherwood
Benedict	Fish	Lawrence	Shiel
Berry	Friend	Lawson	Silverman
Bordwell	Gallagher	Lillybridge	Slingerland
Bowen	Gedney	Lincoln	Smith
Braman	Griffin	McGowan	Speaker
Brown	Hammond	McGroarty	Struble
Calkins	Hanrahan	J. W. Miller	Talmage
T. C. Campbell	Hauschel	Oakley	G. Taylor
T. J. Campbell	Hess	Page	W. F. Taylor
Cleary	Hinckley	Petty	Tewksbury
Cole	Hogan	Pierson	Vosburgh
Comstock	Holmes	Prince	Waehner
Cooke	Hussey	Ransom	Wenzel
Daly	Ives	Reilly	West
Davis	W. Johnson	Russell	Willis
Decker	W. A. Johnson	Schuyler	Wurts
Edson	Kennaday	Scudder	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, in the words following:

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to repeal section 3 of chapter 130 of the Laws of 1870, being an act authorizing the town of Friendship to raise money by tax in aid of Friendship Academy."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Wellman, and by unanimous consent, the same was amended as follows:

Section 1, line 3, after the word "seventy" insert the word "one."

Amend the title by inserting after the word "seventy" the word "one."

And said bill, as amended, passed, and ordered sent to the Assembly for concurrence.



Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Sherman
Barkley	Ely	Lawrence	Shiel
Beardsley	Farrar	Lewis	Slingerland
Benedict	Faulkner	Lincoln	Smith
Bennett	Friend	McGowan	Speaker
Berry	Gallagher	McGroarty	Stacy
Bradley	Green	J. W. Miller	Struble
Braman	Griffin	Oakley	Talmage
Brown	Hammond	Page	G. Taylor
Calkins	Hanrahan	Peck	Tewksbury
T. C. Campbell	Hauschel	Petty	Tremain
T. J. Campbell	Hess	Pope	Vedder
Cleary	Houghton	Prince	Vosburgh
Coffey	Hussey	Ransom	Waehner
Cole	Husted	Roscoe	West
Cooke	Ives	Sanford	Willis
Costigan	W. Johnson	Schenck	Witbeck
Daly	W. A. Johnson	Schieffelin	Wurts
Davis	Kirk	Seward	Yost
Dessar	Krack		

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Sherman
Barkley	Ely	Kshinka	Sherwood
Beach	Farrar	Lawrence	Shiel
Beardsley	Faulkner	Lillybridge	Slingerland
Benedict	Fay	Mackin	Smith
Berry	Friend	McGowan	Speaker
Bishop	Gallagher	McGroarty	Struble
Bradley	Griffin	J. W. Miller	Talmage
Braman	Hammond	Muller	G. Taylor
Brogan	Hanrahan	Oakley	W. F. Taylor
Calkins	Hauschel	Page	Vedder
T. C. Campbell	Hess	Peck	Vosburgh
T. J. Campbell	Hinckley	Pierson	Waehner
Clark	Hogan	Pope	Wenzel
Coffey	Hussey	Ransom	West



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Comstock	Husted	Rich	Willis
Cooke	Ives	Roscoe	Witbeck
Costigan	W. Johnson	Sanford	Worth
Daly	W. A. Johnson	Schenck	Wurts
Decker	Kennaday	Schuyler	Yost
Dessar	Kirk	Seward	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

The Senate returned the bill entitled "An act authorizing the city of Buffalo to take certain lands for a public park, and to provide for the payment thereof," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 5, strike out the word "fifteen" and insert the word "ten." Same line, after the word "acres" insert the words "or so much thereof as can be obtained for a sum not exceeding fifteen thousand dollars."

Same section, line 31, strike out the word "regulating," second occurring.

Section 8, line 2, after the word "be" insert the word "so."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schieffelin
Barkley	Ely	Lawrence	Scudder
Beach	Farrar	Lawson	Seward
Benedict	Faulkner	Lewis	Sherman
Bennett	Friend	Lillybridge	Shiel
Berry	Gallagher	Lincoln	Slingerland
Bordwell	Gedney	McGowan	Smith
Braman	Griffin	McGroarty	Speaker
Broas	Hammond	Merwin	Stauf
Brogan	Hanraban	J. W. Miller	Struble
Burtis	Hauschel	Muller	Talmage
Calkins	Hepburn	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	Tremain
T. J. Campbell	Hinckley	Peck	Vosburgh
Clark	Houghton	Pierson	Waehner
Cleary	Husted	Pope	West
Cole	Ives	Prince	Whitmore
Cooke	W. Johnson	Ransom	Worth
Daly	W. A. Johnson	Rich	Wurts
Davis	Kirk	Russell	Yost
Dessar	Krack	Schenck	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. The title of chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' is hereby amended so as to read as follows: 'An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison, Steuben and Montgomery.'

"§ 2. Chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,' passed May 8, 1873, is hereby repealed, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison, Steuben and Montgomery.

"§ 3. This act shall take effect immediately."

Amend the title so as to read, "An act to amend an act and the title of an act entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' passed April 21, 1874."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Schuyler
Barkley	Edson	Kirk	Seward
Beach	Ely	Krack	Sherman
Beardsley	Farrar	Kshinka	Shiel
Benedict	Faulkner	Lawrence	Silverman
Berry	Fish	Lewis	Slingerland
Bordwell	Friend	Lincoln	Smith
Braman	Gallagher	Mackin	Speaker
Brogan	Gedney	McGowan	Struble
Burtis	Griffin	McGroarty	Talmage
Calkins	Hammond	J. W. Miller	G. Taylor
T. C. Campbell	Hanrahan	Oakley	W. F. Taylor
T. J. Campbell	Hepburn	O'Keefe	Tewksbury
Clark	Hess	Peck	Vosburgh
Cleary	Hinckley	Petty	Waehner
Coffey	Hogan	Pope	Wenzel

Cole	Holmes	Ransom	West
Cooke	Hussey	Reilly	Witbeck
Costigan	Ives	Roscoe	Worth
Daly	W. Johnson	Russell	Wurts
Davis	W. A. Johnson	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 1 the following: "The Ocean Park, way is also excepted from the provisions of this act; but in the construction of any such railway the same shall be so constructed as to pass under said Ocean Park-way, and the grade thereof shall be, and the Brooklyn park commissioners are hereby directed to cause the same to be readjusted and changed, so as to require said railway to be constructed upon a grade to exceed twelve feet below the present actual grade of said Ocean Park-way."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Seward
Barkley	Dessar	Krack	Shattuck
Beach	Edson	Kshinka	Sherwood
Beardsley	Ely	Lawson	Silverman
Benedict	Farrar	Lillybridge	Slingerland
Bennett	Faulkner	Lincoln	Smith
Berry	Friend	Mackin	Speaker
Bishop	Gallagher	McGowan	Stauf
Bowen	Green	McGroarty	Talmage
Braman	Griffin	J. W. Miller	G. Taylor
Brown	Hammond	Muller	W. F. Taylor
Burtis	Hanrahan	O'Keefe	Tewksbury
Calkins	Hepburn	Page	Vedder
T. C. Campbell	Hess	Pierson	Vosburgh
T. J. Campbell	Hinckley	Prince	Wenzel
Cleary	Houghton	Reilly	West
Coffey	Hussey	Rich	Willis
Comstock	Ives	Russell	Worth
Cooke	W. Johnson	Schenck	Wurts
Daggett	W. A. Johnson	Schuyler	Yost
Daly	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference, in the words following:

The committee of conference appointed by the Senate and Assembly, to which was referred the matters in difference between the two houses relative to the Assembly bill entitled "An act to authorize the formation of corporations for the safe keeping and guarantying of personal property," having met and duly considered the same, recommend that the amendments proposed to such bill by the Senate be agreed to, amended so that the bill, as amended, will read as follows:

AN ACT to authorize the formation of corporations for the safe keeping and guarantying of personal property."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At any time hereafter, any five or more persons who may desire to form a company for the purpose of taking and receiving, upon deposit as bailee for safe-keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, securities and valuable papers of any kind, and other valuables, and guarantying their safety upon such terms and for such compensation as may be agreed on by such company and the respective bailors thereof, and to let out vaults and safes and other receptacles for the uses and purposes of such corporation, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the corporation shall be carried on, and duplicates thereof in the office of the Secretary of State and in the Banking Department of the State, a certificate in writing, in which shall be stated the corporate name of the said corporation, which shall be in no material respect similar to the name of any other corporation organized and engaged in the business of receiving valuables on deposit for safe-keeping, for hire, or of letting out safes, and doing business in the same or an adjoining county, and the objects for which the corporation shall be formed, the amount of the capital stock of the said corporation (which shall not be less than one hundred thousand dollars, nor exceeding one million dollars), and in no case shall the paid-in capital stock be less than one hundred thousand dollars, the term of its existence not to exceed fifty years, the number of shares of which the said stock shall consist, the number of trustees and their names, residence, occupation, and post-office address, who shall manage the concerns of said corporation for the first year, and the name of the place in which the operations of the said corporation are to be carried on. But the capital stock of any corporation organized under this act may be increased to an amount not to exceed one million dollars by the board of trustees, on application, in writing, signed by the stockholders representing a majority of the stock. A statement of such increase shall be filed in the offices as aforesaid.

§ 2. When the certificate of authorization shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same and their successors shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any of the courts of this State, and they and their successors may have a common seal, and may

make and alter the same at pleasure, and they shall, by their corporate name, be capable in law of leasing, purchasing, holding, and conveying any real and personal estate whatever, which may be necessary to enable the said corporation to carry on its operations named in such certificate; but nothing in this act contained shall be construed to allow the said corporation to make any loan or advance upon any property left with it on storage, or for safe-keeping.

§ 3. The stock, property and concerns of such corporation shall be managed by not less than five nor more than thirteen trustees, who shall respectively be stockholders of such company and citizens of the United States, and a majority of whom shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such election shall be published, not less than ten days previous thereto, in a newspaper printed in the town or city in which the operations of the said corporation shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said corporation, and the persons receiving the greatest number of votes shall be declared to be elected trustees; and when any vacancy shall happen among the trustees by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the said corporation. No person shall be permitted to vote upon the proxy of a stockholder in any such corporation after the lapse of eleven months from the date thereof, unless the stockholder shall have specified therein that it is to continue in force for some longer and limited time.

§ 4. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the said by-laws; and all acts of trustees shall be valid and binding as against such corporation until their successors shall be elected.

§ 5. There shall be a president of the corporation, who shall be designated from among the number of the trustees, and also such subordinate officers as the corporation, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices as the corporation by its by-laws may require.

§ 6. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiture of the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand of the same, or notice requiring such payment shall have been published for six successive weeks in a newspaper printed in the city or town in which the business of the corporation shall be carried on as aforesaid, and a copy thereof mailed, postage prepaid to the last known place of residence. In case such demand shall have been made by publication, the sixty days shall commence to run from the last day of publication.

§ 7. The trustees of such corporation shall have power to make such by-laws as they shall deem proper for the management, disposition of the stock, property and business affairs of such company, not inconsistent with the laws of this State and of the United States, and prescribing the duties of officers and servants that may be employed, the manner of the appointment and election of all officers, and for carrying on all kinds of business within the objects and purposes of said corporation.

§ 8. The stock of such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the corporation; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such corporation to use any of its funds in the purchase of any stock in any other corporation, or to hold the same, except as collateral security to a prior indebtedness.

§ 9. The stockholders of any corporation organized under the provisions of this act shall be jointly and severally liable for all debts that may be due and owing by said corporation, to an amount equal to the par value of their stock in said corporation, over and above such stock, to be recovered of the stockholders who are such when the debt is contracted or the loss or damage sustained, or of any subsequent stockholder; and any stockholder who may have paid any demand against such company, either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders who are liable to contribution. And the dissolution of such corporation shall not release or affect the liability of any stockholder which may have been incurred before such dissolution.

§ 10. Every corporation organized under the provisions of this act, and every corporation heretofore organized under the laws of this State, for purposes similar to those provided for in this act, shall semi annually make a full report in writing of the affairs and conditions of such corporation at the close of business, on the last business days of June and December in each year, to the Superintendent of the Banking Department, verified by oath, in such form and by such officers of the said corporation as the said superintendent may designate, which report shall be in place of any report which any such corporation may now be required to make to the supreme court, the Comptroller, or otherwise. Every such report shall be made within twenty days after the day to which it relates, and shall be in such form, and contain such statements, returns and information, as to the affairs, business, condition and resources of such corporation, as the said superintendent may, from time to time, prescribe or require. And the said superintendent may, if he be of opinion that it is desirable, require that a like report, either wholly or in part, as to the particulars aforesaid, be made to him at any time, by any such corporation aforesaid, within such period as he may designate.

§ 11. The said superintendent may, at any time, if he deem it to be expedient, cause any such statement, or any statement or report which may be made to him under the provisions of this act, or any part or any abstract thereof, to be published in the State paper for at least three times, the expense of which shall be paid by the corporation to whose affairs such report may relate.

§ 12. It shall be the duty of the said superintendent yearly, either personally or by some competent person or persons, to be appointed by him, to visit and examine every corporation required by this act to report



as aforesaid. The said superintendent, and every such examiner, shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the superintendent, or the examiner or examiners so appointed shall be produced, and their production may be compelled in the like manner. The expense of every such examination shall be paid by the corporation examined to such amount as the superintendent shall determine. Whenever such examination shall be made by the superintendent personally, or by one or more of the regular clerks in his department, no charge shall be made on such examination, but for necessary traveling and other actual expenses.

§ 13. On every such examination, inquiry shall be made as to the condition and resources of the corporation generally, the mode of conducting and managing its affairs, the action of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with, in the administration of its affairs.

§ 14. If it shall appear to the said superintendent, from any examination made by him, or from the report of any examination, made to him, that any corporation has committed a violation of its charter or of law, or is conducting business in an unsafe or unauthorized manner, he shall by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices and conformity with the requirements of its charter and of law, and with safety and security its transactions; and whenever any corporation shall refuse or neglect to make such report as is hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the superintendent that it is unsafe or inexpedient for any corporation to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon be authorized to institute such proceedings against any such corporation as are now, or may hereafter be, provided for by laws in the case of insolvent corporations, or such other proceedings as the nature of the case may require.

§ 15. This act shall take effect immediately.

Respectfully submitted.

JACOB A. GROSS,  
F. W. TOBEY,  
A. J. WELLMAN,  
*Senate Committee.*

T. COOPER CAMPBELL,  
G. W. SCHUYLER,  
JOHN T. MCGOWAN,  
L. BRADFORD PRINCE,  
JAMES W. HUSTED,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schuyler
Barkley	Edson	Krack	Scudder
Beardsley	Ely	Kshinka	Seward
Benedict	Farrar	Lawson	Shattuck
Berry	Faulkner	Lewis	Sherwood
Bordwell	Fish	Lincoln	Silverman
Braman	Friend	McAfee	Smith
Brogan	Gallagher	McGowan	Stacy
Brown	Green	McGroarty	Stauf
Burtis	Griffin	Merwin	Struble
Calkins	Hammond	J. W. Miller	Talmage
T. C. Campbell	Hanrahan	Muller	G. Taylor
T. J. Campbell	Hepburn	Page	W. F. Taylor
Clark	Hess	Peck	Vedder
Cleary	Hinckley	Petty	Waehner
Coffey	Hogan	Pope	Wenzel
Cole	Holmes	Prince	West
Cooke	Hussey	Ransom	Willis
Daggett	Ives	Rich	Worth
Daly	W. Johnson	Russell	Wurts
Davis	W. A. Johnson	Schenck	Yost
Decker	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act in relation to the Inebriate's Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriate Home for Kings county, and the better government thereof,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 2, strike out the words "and their associates." Same section, insert the following additional names as incorporators: "Andrew Walsh, John A. Brady, Charles W. Church, Edward S. Malone, Archibald M. Bliss, Harmon V. Storms, H. A. La Fetra."

Section 2, strike out all after the word "duties" in line 3, down to and including the word "election" in line 5.

Section 3, line 1, strike out the word "two" and insert the word "one." Strike out all of said section after the word "follows" in line 6, and insert the following:

"§ 1. The comptroller of the city of Brooklyn shall pay to the treasurer of the Inebriate's Home for Kings county twelve per cent of all the moneys hereafter received by him from the excise commissioners of the city of Brooklyn for licenses granted by them under the excise laws of the State, and the boards of commissioners of excise for the county towns of the county of Kings shall also pay to said home twelve per cent of all moneys hereafter received for licenses granted by them. Said money shall be paid to said treasurer only upon the certificate of a majority of the executive committee of the said Inebriate's Home that it is neces-

sary for the support of the indigent poor cared for by said institution, and so much of said twelve per cent only shall be so paid as shall be required for such support over and above the available receipts of such institution from all other sources. The moneys herein required to be paid shall be so paid by the said comptroller of the city of Brooklyn and the boards of excise of the county towns of Kings county, and shall, in and subsequently to January 1, 1875, be applied to the care and treatment in said home of such persons, actual residents of the county of Kings, as in the judgment of the executive committee of said home may be poor and in such indigent circumstances as to require relief and support and be proper subjects for care and treatment therein by reason of habitual drunkenness."

Add as section 4 the following:

"§ 4. Section 2 of said act is hereby repealed, and hereafter all fines collected for violations of the excise law and for intoxication in the city of Brooklyn, shall be paid to the treasurer of said city, and all such fines collected by any officer in the county towns of said county, shall be paid to the treasurer of said county."

Change section 4 to section 5, and strike out all of section 5 after the word "commitment," in line 16.

Change section 6 to section 7, and section 7 to section 8.

The amendments having been read,

Mr. McGroarty moved that the Assembly do non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. McGroarty, Kennaday, Talmage, Burtis and Hess as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the bill entitled "An act to confirm and legalize the acts of Deliverance Rogers, as notary public of the county of Washington, since March 20th, in the year of our Lord 1875," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out the first section, and insert in lieu thereof the following:

"SECTION 1. All official acts of Deliverance Rogers, of Granville, Washington county, State of New York, done since the thirtieth day of March, 1875, as notary public of said county of Washington, are hereby declared as valid and of as full effect as if the said Deliverance Rogers had been duly appointed and qualified notary public. But nothing in this act contained shall affect any suit or proceeding now pending in any court of this State."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 86 }  
 } NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Seward
Barkley	Dessar	Krack	Shattuck
Beach	Edson	Kshinka	Sherman
Beardsley	Ely	Lewis	Shiel
Benedict	Farrar	Lillybridge	Silverman
Bennett	Faulkner	Mackin	Speaker
Bishop	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Stephens
Bowen	Green	Merwin	Struble
Braman	Griffin	J. W. Miller	Talmage
Brown	Hammond	Oakley	G. Taylor
Burtis	Hanrahan	O'Keefe	W. F. Taylor
Calkins	Hepburn	Page	Tewksbury
T. C. Campbell	Hinckley	Petty	Vedder
T. J. Campbell	Holmes	Pope	Vosburgh
Clark	Houghton	Ransom	Waehner
Coffey	Hussey	Reilly	West
Cole	Ives	Roscoe	Willis
Cooke	W. Johnson	Sanford	Worth
Costigan	Keenan	Schenck	Wurts
Daly	Kennaday	Schuyler	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act supplementary to chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' and the acts amendatory thereof."

"An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts."

"An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only."

"An act to incorporate the Electro Medical College of the State of New York, in the city of New York."

"An act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building and a lock-up thereon, and furnish the same."

"An act to fix the salaries of the supervisors of the county of Erie."

"An act further to provide for the construction and operation of a steam railway or railways in counties of the State."

"An act to amend section 59 of chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

"An act to provide for the recording of certain decrees in partition

suits in the clerks' offices of certain counties of this State, and for the alphabetical indexing of the names of the grantors and grantees of deeds, mortgages and other instruments recorded and to be recorded in said clerks' office."

The Senate returned the bill entitled "An act to release to the heirs-at-law of William Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 21, strike out the word "administrator."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Kshinka	Shattuck
Barrow	Farrar	Lawrence	Sherman
Beach	Faulkner	Lewis	Sherwood
Beardsley	Friend	Lillybridge	Silverman
Benedict	Gallagher	Lincoln	Slingerland
Berry	Green	McAfee	Smith
Bordwell	Griffin	McGowan	Speaker
Braman	Hammond	McGroarty	Stephens
Broas	Hauschel	J. W. Miller	Struble
Brown	Hepburn	Oakley	Talmage
Burtis	Hess	O'Keefe	G. Taylor
Calkins	Hinckley	Peck	W. F. Taylor
T. C. Campbell	Hogan	Petty	Tremain
T. J. Campbell	Holmes	Pope	Vedder
Clark	Hussey	Prince	Vosburgh
Cleary	Husted	Ransom	Wenzel
Cole	Ives	Rich	West
Cooke	W. Johnson	Roscoe	Willis
Costigan	W. A. Johnson	Sanford	Worth
Daly	Kennaday	Schenck	Wurts
Davis	Kirk	Schuyler	Yost
Edson	Krack	Scudder	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 426 of the Laws of 1867, entitled 'An act to amend chapter 600 of the Laws of 1865, passed April 28, 1864, entitled An act to amend an act entitled An act in relation to the compensation of the several officers of State prisons,' passed April 23, 1864," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 16, strike out the words "four thousand" and insert the words "thirty-five hundred." Line 26, after the word "year" insert the words "to the hall keeper of each of said prisons, twelve hundred dollars per year."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Shattuck
Barrow	Edson	Lewis	Sherman
Beach	Farrar	Lillybridge	Shiel
Beardsley	Faulkner	Mackin	Slingerland
Benedict	Fish	McGowan	Smith
Bennett	Friend	McGroarty	Stacy
Berry	Gallagher	Merwin	Stephens
Bordwell	Green	J. W. Milier	Struble
Braman	Hammond	Oakley	Talmage
Brown	Hanrahan	O'Keefe	G. Taylor
Burtis	Hepburn	Peck	W. F. Taylor
Calkins	Hess	Pierson	Tremain
T. C. Campbell	Hinckley	Pope	Vedder
T. J. Campbell	Holmes	Ransom	Vosburgh
Clark	Ives	Reilly	Wenzel
Cleary	W. A. Johnson	Roscoe	Whitmore
Cole	Keenan	Sanford	Willis
Cooke	Kirk	Schenck	Worth
Costigan	Krack	Schuyler	Wurts
Daly	Kshinka	Seward	Yost
Davis			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act authorizing the appointment of Centennial Commissioners," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 6, strike out the words "said commission" and insert the words "Centennial Commission appointed by the President of the United States in pursuance of the provisions of an act of Congress in relation to the holding of our international exhibition in commemoration of the one hundredth anniversary of the declaration of independence, approved March 3, 1871."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	W. A. Johnson	Schuyler
Barrow	Edson	Kirk	Seward

Beach	Ely	Krack	Shattuck
Benedict	Farrar	Kshinka	Sherwood
Berry	Faulkner	Lawrence	Shiel
Bishop	Fay	Lillybridge	Smith
Bordwell	Fish	Mackin	Speaker
Bowen	Friend	McGowan	Stauf
Braman	Gallagher	McGroarty	Struble
Broas	Gedney	Merwin	Talmage
Brogan	Hammond	J. W. Miller	G. Taylor
Calkins	Hanrahan	Muller	Tewksbury
T. C. Campbell	Hepburn	O'Keefe	Vedder
T. J. Campbell	Hess	Peck	Waehner
Clark	Hinckley	Pierson	Wellington
Cleary	Hogan	Pope	West
Cole	Houghton	Ransom	Whitmore
Cooke	Hussey	Reilly	Witbeck
Costigan	Husted	Russell	Worth
Daly	Ives	Sanford	Wurts
Davis	W. Johnson	Schenck	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, lines 11 and 12, strike out the words "thirty days after the confirmation of the same by the common council," and insert the words "twenty days after the passage of this act."

Lines 15, 16 and 17, strike out the words "the first installment shall be paid within twenty days after the passage of this act."

Line 27, after the word "assessment" insert the words "for sewers in map L." Line 29, strike out the word "his" and insert the word "the."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Sherman
Barkley	Ely	Lawrence	Shiel
Beach	Farrar	Lawson	Slingerland
Benedict	Faulkner	Lillybridge	Smith
Berry	Fish	Lincoln	Speaker
Bishop	Friend	McGowan	Stauf
Bordwell	Gallagher	McGroarty	Struble
Braman	Green	Merwin	Talmage
Broas	Hammond	Muller	G. Taylor
Calkins	Hanrahan	O'Keefe	W. F. Taylor

T. C. Campbell	Hepburn	Peck	Tremain
T. J. Campbell	Hess	Petty	Vedder
Clark	Hinckley	Pope	Waehner
Coffey	Hogan	Ransom	Wellington
Cole	Hussey	Reilly	Wenzel
Cooke	Husted	Russell	West
Daggett	Ives	Schenck	Willis
Daly	Keenan	Schuyler	Worth
Davis	Kennaday	Scudder	Wurts
Dessar	Krack	Seward	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act in regard to the boundary monuments of the State," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out in line 1, section 2, the word "five," and insert the word "three."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Shiel
Barrow	Ely	Kshinka	Silverman
Beach	Farrar	Lawrence	Slingerland
Benedict	Faulkner	Lewis	Smith
Berry	Fish	Mackin	Stacy
Bordwell	Friend	McGowan	Stauf
Bowen	Gallagher	McGroarty	Struble
Braman	Gedney	Muller	Talmage
Brogan	Hammond	O'Keefe	G. Taylor
Burtis	Hanrahan	Peck	Tewksbury
Calkins	Hepburn	Petty	Tremain
T. C. Campbell	Hess	Pope	Vedder
T. J. Campbell	Hogan	Prince	Waehner
Clark	Holmes	Reilly	Wellington
Cleary	Hussey	Roscoe	Wenzel
Cole	Ives	Sanford	Whitmore
Cooke	W. Johnson	Schenck	Witbeck
Costigan	W. A. Johnson	Scudder	Worth
Daly	Kennaday	Seward	Wurts
Davis	Kirk	Sherman	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to exempt property, real and personal, of the Society of the New York Hospital, from taxation,"



with a message informing of concurrence in the passage of the same, with the following amendments :

Insert as section 2 the following :

"§ 2. Section 4 of chapter 257 of the Laws of 1822, entitled 'An act further to amend the act incorporating the Bank of Newburgh, and for other purposes,' is hereby repealed."

Amend the title by adding thereto the following : "and to repeal section 4 of chapter 257 of the Laws of 1822."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Sherwood
Barrow	Edson	Lawrence	Shiel
Beardsley	Ely	Lewis	Silverman
Bennett	Farrar	Lincoln	Smith
Berry	Faulkner	McAfee	Speaker
Bishop	Fish	McGroarty	Stacy
Bordwell	Friend	Merwin	Stauf
Braman	Gallagher	W. Miller	Struble
Brown	Griffin	Oakley	Talmage
Burtis	Hammond	O'Keefe	G. Taylor
Calkins	Hanrahan	Peck	W. F. Taylor
T. C. Campbell	Hess	Pierson	Tremain
T. J. Campbell	Hogan	Pope	Vosburgh
Clark	Houghton	Ransom	Wellington
Cleary	Husted	Rich	Wenzel
Cole	Ives	Russell	West
Cooke	W. Johnson	Schenck	Willis
Costigan	Keenan	Schuyler	Worth
Daly	Kirk	Scudder	Wurts
Davis	Krack	Shattuck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

On motion of Mr. Schuyler, and by unanimous consent,

*Resolved*, That a committee of five be appointed by the Speaker to investigate the affairs of the Commissioners of Quarantine and Health Officer, and also the affairs of the Commissioners of Emigration, particularly as to all appropriations made and the expenditures thereof, the number of officers employed and the annual salaries paid, and to investigate all and every matter and thing in any wise pertaining to the quarantine establishment or Castle Garden, and the management thereof, and report to the next Legislature. Said committee shall have power to sit during the recess of the Legislature; to employ counsel when necessary, also a stenographer, who shall act as the clerk of said committee; with power to send for persons and papers.

The bill entitled "An act supplementary to chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' and the acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Scudder
Barkley	Farrar	Lawson	Seward
Beardsley	Faulkner	Lillybridge	Sherman
Benedict	Fay	Lincoln	Sherwood
Berry	Fish	McGowan	Shiel
Bordwell	Friend	McGroarty	Smith
Bowen	Gallagher	J. W. Miller	Speaker
Braman	Gedney	Oakley	Stacy
Brogan	Hammond	O'Keefe	Stephens
Burtis	Hanrahan	Page	Struble
Calkins	Hauschel	Petty	Talmage
T. C. Campbell	Hess	Pierson	G. Taylor
T. J. Campbell	Hogan	Prince	Tewksbury
Clark	Houghton	Ransom	Vedder
Coffey	Husted	Reilly	Waehner
Cole	Ives	Rich	Wenzel
Costigan	W. Johnson	Roscoe	Whitmore
Daggett	Keenan	Russell	Witbeck
Daly	Kennaday	Sanford	Worth
Davis	Kirk	Schenck	Wurts
Dessar	Krack	Schuyler	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schuyler
Barkley	Edson	Lawrence	Seward
Beach	Farrar	Lawson	Shattuck
Bennett	Faulkner	Lewis	Sherman
Berry	Fish	Lillybridge	Shiel
Bordwell	Friend	Lincoln	Slingerland

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Bowen	Gallagher	McGowan	Speaker
Braman	Green	McGroarty	Stephens
Broas	Hammond	J. W. Miller	Talmage
Brown	Hanrahan	Oakley	G. Taylor
Calkins	Hess	O'Keefe	Tewksbury
T. C. Campbell	Hogan	Page	Vedder
T. J. Campbell	Hussey	Peck	Waehner
Clark	Husted	Pierson	Wenzel
Cleary	Ives	Prince	West
Coffey	W. Johnson	Ransom	Whitmore
Comstock	Keenan	Rich	Witbeck
Costigan	Kennaday	Roscoe	Worth
Daly	Kirk	Sanford	Wurts
Davis	Krack	Schieffelin	Yost

For the negative,  
Reilly

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to regulate coroners' inquests in the city and county of New York, and to provide for the payment of services rendered by scientific persons as experts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Ely	Kshinka	Shattuck
Barkley	Farrar	Lawrence	Sherman
Beardsley	Faulkner	Lawson	Sherwood
Benedict	Fay	Lillybridge	Silverman
Bennett	Fish	Lincoln	Smith
Berry	Friend	Mackin	Speaker
Bordwell	Gallagher	McAfee	Stauf
Braman	Griffin	McGowan	Struble
Brogan	Hammond	McGroarty	Talmage
Burtis	Hanrahan	J. W. Miller	G. Taylor
Calkins	Hepburn	Muller	Tewksbury
T. C. Campbell	Hess	Oakley	Vedder
T. J. Campbell	Hogan	Page	Vosburgh
Clark	Hussey	Petty	Waehner
Cleary	Husted	Pierson	West
Cole	Ives	Pope	Whitmore
Cooke	W. Johnson	Ransom	Witbeck
Daly	W. A. Johnson	Reilly	Worth
Davis	Kennaday	Roscoe	Wurts
Decker	Kirk	Schuyler	Yost
Edson	Krack	Scudder	

For the negative,  
Schieffelin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the recording of certain decrees in partition suits in the clerks' offices of certain counties of this State, and for the alphabetical indexing of the names of the grantors and grantees of deeds, mortgages and other instruments recorded, and to be recorded in said clerks' offices," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 70 }  
{ NOES 20 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schuyler
Beardsley	Edson	Kshinka	Seward
Benedict	Ely	Law	Sherman
Berry	Farrar	Lewis	Sherwood
Bishop	Faulkner	Lincoln	Shiel
Bordwell	Fay	McGroarty	Smith
Bowen	Fish	Merwin	Speaker
Braman	Friend	J. W. Miller	Struble
Broas	Gallagher	Oakley	G. Taylor
Brown	Griffin	Page	W. F. Taylor
Calkins	Hammond	Petty	Tewksbury
T. C. Campbell	Hanrahan	Pope	Tremain
T. J. Campbell	Hess	Prince	Vedder
Clark	Hinckley	Ransom	Vosburgh
Cleary	Holmes	Russell	Waehner
Coffey	Houghton	Sanford	Willis
Cooke	Husted	Schenck	Worth
Decker	W. A. Johnson	Schieffelin	

Those who voted in the negative, were

Brogan	Hussey	Reilly	Wenzel
Burtis	Keenan	Rich	Whitmore
Comstock	Krack	Scudder	Witbeck
Gedney	Lillybridge	Shattuck	Wurts
Hogan	O'Keefe	Wellington	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only," being announced for a third reading,

On motion of Mr. T. C. Campbell, and by unanimous consent, said bill was recommitted to the committee on the judiciary, with instructions to make the following amendments and report forthwith:

Section 13, after the word "and" in line 7, add as follows: "After the first day of January next there shall be attached to the court of the said justice of the tenth district one chief clerk, who shall receive a

yearly salary of \$2,000, and one assistant clerk, who shall perform the duties of janitor as well as those of assistant clerk, and for which he shall receive an annual compensation of \$1,200; and all other officers attached to or in any way connected with the court of said justice of the tenth district is hereby abolished, including the stenographer and interpreter. The clerks above provided for shall be appointed by the said justice, and may be removed by him, and the proper officers of the city of New York shall pay to said clerks their salaries as provided for in this act in equal monthly payments."

Mr. Waehner, from the committee on the judiciary, reported back said bill amended as directed by the House.

On motion of Mr. T. C. Campbell, and by unanimous consent, said bill was further amended by striking out the words "thirty-first day of December, eighteen hundred and seventy-five," and inserting in lieu thereof the words first day of January, eighteen hundred and seventy-six," in lines 2 and 3, section 14.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 44 }  
{ NOES 47 }

Those who voted in the affirmative, were

Alvord	Cooke	Keenan	Schenck
Beardsley	Dessar	McGowan	Schieffelin
Benedict	Edson	McGroarty	Schuyler
Bennett	Faulkner	Merwin	Sherman
Berry	Fish	J. W. Miller	Shiel
Broas	Griffin	Oakley	Smith
Brogan	Hammond	O'Keefe	Speaker
Brown	Hess	Page	Stauf
T. C. Campbell	Hogan	Prince	G. Taylor
T. J. Campbell	Holmes	Rich	Vosburgh
Cole	Houghton	Roscoe	Waehner

Those who voted in the negative, were

Bishop	Fay	Lillybridge	Sherwood
Bordwell	Gallagher	Lincoln	Struble
Bowen	Gedney	Peck	W. F. Taylor
Braman	Hauschel	Petty	Tewksbury
Burtis	Hinckley	Pierson	Vedder
Calkins	Hussey	Pope	Wenzel
Clark	Ives	Ransom	West
Cleary	W. A. Johnson	Russell	Whitmore
Coffey	Krack	Sanford	Witbeck
Comstock	Kshinka	Scudder	Wurts
Ely	Law	Seward	Yost
Farrar	Lawrence	Shattuck	

Mr. T. C. Campbell moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company for the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke,'" for amendment.

Mr. Speaker put the question whether the House would agree to to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schieffelin
Barrow	Ely	Krack	Scudder
Beardsley	Farrar	Kshinka	Shattuck
Bennett	Faulkner	Lawrence	Sherman
Bishop	Fish	Lewis	Shiel
Bordwell	Friend	Lincoln	Slingerland
Bowen	Gallagher	McAfee	Speaker
Broas	Green	McGowan	Stacy
Brogan	Hammond	McGroarty	Stephens
Burtis	Hanrahan	W. Miller	G. Taylor
Calkins	Hauschel	Muller	W. F. Taylor
T. C. Campbell	Hess	O'Keefe	Tremain
T. J. Campbell	Hogan	Peck	Vedder
Clark	Holmes	Petty	Waehner
Coffey	Hussey	Pierson	Wenzel
Cole	Husted	Pope	Whitmore
Cooke	Ives	Ransom	Witbeck
Daggett	W. A. Johnson	Rich	Worth
Daly	Keenan	Russell	Wurts
Davis	Kennaday	Schenck	Yost
Dessar			

On motion of Mr. West, and by unanimous consent, said bill was amended as follows:

Add at the end of section 1 the following: "This corporation shall expire at the end of fifty years."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Barrow	Dessar	Krack	Seward

Beach	Edson	Kshinka	Sherwood
Beardsley	Ely	Law	Shiel
Benedict	Farrar	Lewis	Slingerland
Berry	Faulkner	Lillybridge	Speaker
Bishop	Fish	Mackin	Stauf
Bordwell	Friend	McGowan	Stephens
Bowen	Gallagher	McGroarty	Struble
Braman	Green	J. W. Miller	Talmage
Brogan	Hammond	Oakley	W. F. Taylor
Burtis	Hanrahan	O'Keefe	Tremain
Calkins	Hauschel	Page	Vosburgh
T. C. Campbell	Hess	Peck	Wellington
T. J. Campbell	Hogan	Petty	West
Clark	Houghton	Pope	Willis
Cleary	Hussey	Ransom	Witbeck
Coffey	Ives	Rich	Worth
Comstock	W. Johnson	Russell	Wurts
Costigan	Keenan	Schenck	Yost
Daly	Kennaday	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate and request their concurrence therein, as amended.

Mr. Hammond, from the conference committee on the Senate bill entitled "An act in relation to county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia, submitted a report, in the words following:

Your committee of conference to which was referred the matters of difference between the two houses upon the Senate bill entitled "An act in relation to county treasurers of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia," report that the Assembly recede from the amendments to said bill in striking therefrom the counties of Ontario, Seneca and Yates, and that the Senate concur in the amendments of the Assembly striking therefrom the counties of Columbia, Dutchess, Putnam, Rockland and Westchester, and that the title be amended so as to read "An act in relation to county treasurers of the counties of Monroe, Seneca and Yates."

WM. JOHNSON,  
W. H. ROBERTSON,  
BENJAMIN RAY,  
*Senate Committee.*

S. H. HAMMOND,  
T. COOPER CAMPBELL,  
G. W. SCHUYLER,  
L. C. WAEHNER,  
*Assembly Committee.*

Mr. Lincoln dissented from said report.

Mr. Struble moved to disagree with said report so far as the same relates to the county of Yates.

Mr. Lincoln moved to amend by excepting the county of Ontario.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Lincoln, and it was determined in the affirmative.

{ AYES 55 }  
{ NOES 43 }

Those who voted in the affirmative, were

Alvord	Gedney	Lincoln	Smith
Bishop	Hepburn	Muller	Struble



Bordwell	Hess	Page	W. F. Taylor
Bowen	Hinckley	Peck	Tewksbury
Braman	Hussey	Petty	Tremain
Burtis	Husted	Pope	Vedder
Calkins	W. A. Johnson	Prince	Wellington
Clark	Keenan	Ransom	Wenzel
Coffey	Krack	Sanford	West
Comstock	Law	Schenck	Whitmore
Decker	Lawrence	Scudder	Willis
Farrar	Lawson	Seward	Witbeck
Fay	Lewis	Sherwood	Yost
Gallagher	Lillybridge	Slingerland	

Those who voted in the negative, were

Beardsley	Edson	Kirk	Schuyler
Benedict	Ely	Kshinka	Shattuck
Bennett	Faulkner	Mackin	Sherman
T. C. Campbell	Friend	McGowan	Shiel
T. J. Campbell	Griffin	McGroarty	Speaker
Cleary	Hammond	J. W. Miller	Stauf
Cole	Hauschel	Oakley	G. Taylor
Cooke	Hogan	O'Keefe	Vosburgh
Costigan	Holmes	Pierson	Waehner
Daly	Ives	Rich	Wurts
Davis	Kennaday	Schieffelin	

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Struble, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, as amended, and it was determined in the affirmative.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Decker	Keenan	Shattuck
Barkley	Edson	Kennaday	Sherman
Beardsley	Ely	Kirk	Sherwood
Bennett	Faulkner	Kshinka	Shiel
Bishop	Fay	Lawrence	Silverman
Bordwell	Friend	Lawson	Slingerland
Braman	Gallagher	Lillybridge	Smith
Brown	Gedney	Lincoln	Speaker
Burtis	Griffin	Mackin	Stauf
T. C. Campbell	Hammond	McGowan	Struble
T. J. Campbell	Hepburn	McGroarty	G. Taylor
Cleary	Hess	O'Keefe	Vedder
Coffey	Hinckley	Petty	Vosburgh
Cole	Hogan	Pope	Wenzel
Comstock	Holmes	Prince	Whitmore
Cooke	Houghton	Reilly	Willis
Costigan	Hussey	Rich	Witbeck
Daly	Ives	Schieffelin	Wurts
Davis	W. A. Johnson	Scudder	Yost

Those who voted in the negative, were

Calkins	Ransom
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*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon, except so far as relates to the counties of Ontario and Yates.

On motion of Mr. Daly, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act relative to taxation and appropriations in the city of New York, and to provide for the payment of part of the cost of the Fourth avenue improvement from revenue bonds to be paid from taxation in 1876 instead of 1875, and to reduce the tax levy of 1875 accordingly," and said bill, as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Schieffelin
Barkley	Decker	Lawson	Schuyler
Beardsley	Edson	Lewis	Scudder
Benedict	Ely	Lillybridge	Seward
Bennett	Farrar	Lincoln	Sherman
Berry	Fay	McGowan	Sherwood
Bishop	Friend	McGroarty	Shiel
Bowen	Griffin	J. W. Miller	Silverman
Brogan	Hammond	Oakley	Smith
Brown	Hauschel	O'Keefe	Speaker
Calkins	Hepburn	Peck	Stauf
T. C. Campbell	Hess	Petty	Tremain
T. J. Campbell	Hinckley	Pierson	Vedder
Clark	Hogan	Pope	Waehner
Cleary	Holmes	Prince	Wellington
Coffey	Houghton	Ransom	Wenzel
Cole	Ives	Reilly	Whitmore
Comstock	W. A. Johnson	Rich	Willis
Cooke	Keenan	Roscoe	Witbeck
Costigan	Kennaday	Sanford	Wurts
Daly	Kirk	Schenck	

For the negative,

Bordwell

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

Mr. Oakly called from the table the report of the committee on commerce and navigation on the matters embraced in the resolution adopted March 3, 1875, relative to the Board of Commissioners of Emigration, in the words following:

*To the Legislature:*

The committee on commerce and navigation, to which was referred the investigation into the management of the affairs of the Board of

Commissioners of emigration, directed by the resolutions of the Assembly adopted March 3, 1875, respectfully submit the following report :

The resolutions directing this investigation expressly prohibit the employment of any stenographer, clerk or attorney to aid therein, and require further that the meetings of the committee must be held without expense to the State. This committee have therefore been able to do little more than examine the answers returned by the Board of Commissioners of Emigration to the interrogatories forwarded to them. The answers to some of these interrogatories are so evasive and unsatisfactory as to be destitute of any real value, and none of them are made under oath. From the answers given, however, this committee have gathered the following facts, which they deem worthy of special notice :

1. That the average expense to the board of each emigrant received by them at New York during the year 1874, was \$2.32 as against \$1.74 during the year 1873. The total number of emigrants received in 1874 was 140,041 ; total cash disbursements, \$325,886. The total number of emigrants received in 1873 was 266,818 ; total cash disbursements, \$466,108. The decrease in the number of emigrants received during 1874, from that of the year previous, will, of course, account in a measure for the increase in the average expense of caring for them ; but so large an increase would seem to be neither necessary nor justifiable.

2. That while the board have professed to abolish certain bureaus, they have, with hardly an exception, retained the officers employed therein, transferring them to other bureaus, and, in some instances, intrusting them with the same duties as before.

3. That employees have been retained in service by the board after charges had been preferred against them, which, if established, should have procured their immediate dismissal.

4. That charges made against employees of the board have not been investigated, as required by law.

5. That of the 146 persons in the employ of the board in May, 1873, only 51 are to be found in its present employees. In answer to the request to state the cause of the removal or discharge of employees who have been removed or discharged, the board only deign to say that "Such employees as were removed or discharged were so removed or discharged for cause deemed necessary in the interests of the commission."

The committee also call attention to the answer returned by the commissioners to the following questions: "State whether the meeting of German adopted citizens, held at Cooper Institute in New York city in 1874, was called to denounce the present commission, and whether it was for the alleged proscriptive and partisan course toward the German officials in the service, and their arbitrary dismissal by the board?" and "State if the German Society, through its president, Ex-commissioner Kaufman, and the present president of the society, Commissioner Schack, took part in and indorsed said Cooper Institute meeting?" To both of these questions the board return this answer: "The board have no *official* knowledge of this matter."

The committee feel it their duty to state further that they have received information, which they consider reliable, to the effect that the board has been guilty of gross extravagance in continuing in service and under pay a much larger force of employees than was necessary, and that during the winter months, when emigration is much smaller than at other seasons, no decrease in the number of employees is made. The committee regret that they are so restricted by the resolutions

directing this investigation as to be unable to conduct the same with the thoroughness which in their opinion the nature of the case demands. In view of the importance of two bills now before the Assembly—one authorizing the commissioners to mortgage the property under their control to pay the large indebtedness which has been contracted, and the other providing for an increase in the rate of head-money to meet the expenses of the board—all the facts should be ascertained which could aid in determining whether the affairs of the board are managed with economy and honesty.

The questions forwarded to the commissioners, and the answers returned thereto, covering the subjects which the committee on commerce and navigation were directed by the resolution above referred to to investigate, are hereto annexed and made a portion of this report.

All of which is respectfully submitted.

JAMES M. OAKLEY, *Chairman*.  
F. W. VOSBURGH.  
JOHN FREAM.  
W. H. CHRISTOPHER.  
WILLIAM H. CLARK.  
H. J. DAGGETT.  
JOHN W. SMITH.  
BERNARD SILVERMAN.  
P. HANRAHAN.

*Resolved*, That the committee on commerce and navigation be discharged from the further consideration of the same.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

The bill entitled "An act to incorporate the Electro Medical College of the State of New York, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 68 }  
{ NOES 3 }

Those who voted in the affirmative, were

Barkley	Daly	Lincoln	Sanford
Benedict	Davis	Mackin	Schenck
Bennett	Decker	McGowan	Schieffelin
Bishop	Edson	McGroarty	Seward
Bordwell	Ely	Merwin	Shattuck
Bowen	Farrar	J. W. Miller	Sherman
Brogan	Friend	Muller	Shiel
Brown	Gallagher	Oakley	Silverman
Burtis	Hauschel	O'Keefe	Smith
T. C. Campbell	Hess	Page	Speaker
Clark	Hogan	Peck	Stauf
Cleary	Holmes	Petty	G. Taylor
Coffey	Houghton	Pierson	Tewksbury
Cole	Ives	Pope	Wenzel

Comstock	W. A. Johnson	Prince	Whitmore
Cooke	Lawson	Ransom	Willis
Costigan	Lewis	Reilly	Witbeck

Those who voted in the negative, were

Alvord	Braman	Wurts
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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted moved to lay the present order of business on the table for the purpose of introducing a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

In pursuance of chapter 112 of the Laws of 1875, Mr. Speaker designated the following assistant doorkeepers, messengers and pages who are to attend upon the organization of the next Legislature:

*Assistant Doorkeepers*—Simeon Church, Joseph Hodes, William G. Kirk.

*Messengers*—Robert D. Evans, Charles L. Keyes.

*Pages*—Joseph E. Cullen, Thomas McKee, Edward L. Gladding, Milton Gray, Wm. H. Klugman, Wm. L. Case.

The Senate returned the bill entitled "An act supplementary to an act entitled 'An act to incorporate the Manhattan Loan and Trust Company of the city of New York,' passed June 26, 1873," with a message informing of concurrence in the passage of the same, with the following amendments (reference to engrossed bill):

Section 2, lines 4 and 5, strike out the words "and to purchase back the same."

Section 3, line 1, after the word "upon" insert the words "bonds secured by." Change the word "mortgages" to "mortgage." Line 2, strike out the word "or" and insert the word "on."

Section 4, lines 4 and 5, strike out the words "or in any other currency or standard, domestic or foreign."

Insert as section 5 the following:

"§ 5. Said company shall have one year from the passage of this act within which time it shall commence business, and within which the whole amount of its capital stock shall be subscribed and paid in."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schenck
Barrow	Edson	Law	Schuyler
Beardsley	Ely	Lawrence	Scudder
Benedict	Farrar	Lawson	Shattuck
Bennett	Faulkner	Lillybridge	Sherman
Berry	Fish	Mackin	Shiel
Bordwell	Friend	McAfee	Slingerland

Bowen	Gallagher	McGowan	Speaker
Braman	Griffin	McGroarty	Struble
Brogan	Hammond	J. W. Miller	Talmage
Burtis	Hanrahan	Muller	W. F. Taylor
Calkins	Hepburn	Oakley	Tremain
T. C. Campbell	Hess	O'Keefe	Vosburgh
T. J. Campbell	Hogan	Peck	Wellington
Clark	Holmes	Petty	West
Coffey	Hussey	Pope	Whitmore
Cole	Husted	Prince	Witbeck
Cooke	Ives	Ransom	Worth
Costigan	W. Johnson	Roscoe	Wurts
Daly	Keenan	Russell	Yost
Davis	Kirk		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 6, 1874," with a message informing of concurrence in the passage of the same, with the following amendments:

Add at the end of section 1 the following: "Any person whose property may have been assessed or which may have been effected by any tax or assessment for any purpose whatever, considering himself aggrieved thereby, may at any time within one year after the passage of this act commence proceedings against the mayor, aldermen and commonalty of the city of New York in the supreme court of the second judicial district to vacate and set aside any tax or assessment effecting his or her property in said annexed territory under the provisions of chapter 312 of the Laws of 1874, entitled 'An act in relation to taxes and assessments in the city of New York and the collection and vacation thereof, passed May 2, 1874.'"

Strike out section 2, and insert the following:

"§ 2. Section 14 of said act is hereby amended so as to read as follows:

"§ 14. The commissioners of the department of public parks of the city of New York shall have the exclusive power to devise plans for, locate, lay out, construct and maintain all public parks, bridges and tunnels, and the department of public works shall have exclusive power to construct and maintain all streets, roads and avenues, also to locate, lay out, open, regulate, grade, flag, curb, gutter, pave, repave, maintain and repair all streets, roads and avenues, also to lay crosswalks and sidewalks, and to keep the same clear of obstructions, and to control and issue permits for street vaults and openings in sidewalks, also to locate construct and maintain all sewers, drains, blind-drains and under-drains, within the territory hereby annexed, and the said commissioners of public parks shall have exclusive power to locate, lay out and establish streets, roads and avenues, and the widths and grades thereof, and to give the names thereto, except as to such streets, roads and avenues within said territory as are laid down and established by the commissioners appointed under chapter eight hundred and forty-one of the Laws of eighteen hundred and sixty-eight, on a map of the same, filed in the office of the



register of the county of Westchester on the twenty-third day of February, eighteen hundred and seventy-one, which streets and avenues, with the grades and lines thereof as laid down on said map, are hereby confirmed and established, except so far as the same have been changed or modified by law, subject, however, to be altered by said commissioners of public parks whenever they, or a majority of them, may deem such change required, and also except that the several surveys, maps, plans and profiles of streets, roads and avenues that shall have been made, laid out, filed or adopted by the commissioners of public parks within the territory hereby annexed, under any law of this State authorizing the same, are hereby confirmed and established, subject to be altered, however, in the same manner as hereinbefore provided, as to the survey and map of the town of Morrisania. After the first day of January, eighteen hundred and seventy-four, in all cases where proceedings have been commenced for the opening of any streets, roads or avenues, or for the construction of any street, road, avenue or sewer within the territory hereby annexed, the same shall be continued and completed under the direction of the said commissioners of public parks, under the laws now in force, in the territory hereby annexed, for opening or constructing the same. All proceedings hereafter to be taken by virtue of this act by said commissioners of the department of public parks, or by the department of public works, within the territory hereby annexed, shall be taken and prosecuted under and in pursuance of the provisions of the laws now in force, or which may hereafter be passed, for the taking and prosecuting of proceedings in the city of New York, by the said commissioners of the department of public parks or the department of public works. The department of public works of the city of New York is hereby authorized to construct and lay one Croton water main through and along the Third avenue in the territory hereby annexed, from the Harlem river to Fordham station, on the New York and Harlem railroad, and to supply said main with Croton water by such means and in such manner as said department may deem expedient, and all laws now in force conferring on the department of public works authority to extend the supply of Croton water to any part of said city, are hereby applied and made applicable as far as may be to the part of said annexed territory hereinbefore referred to. The board of estimate and apportionment is hereby authorized to make such appropriations as they shall deem necessary for the purposes of the department of public works in the construction of the improvements authorized under the provisions of this act, and the amounts so appropriated shall be levied, assessed and collected in the manner now provided by law in the city and county of New York."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Barkley

Farrar  
Faulkner

Lewis  
Lincoln

Sherwood  
Shiel



**MAY 18.]**

**1727**

Benedict	Fay	Mackin	Silverman
Berry	Friend	McGowan	Smith
Bishop	Gedney	McGroarty	Speaker
Bowen	Hammond	Merwin	Stauf
Braman	Hanrahan	J. W. Miller	Stephens
Brogan	Hauschel	Oakley	Struble
Calkins	Hess	O'Keefe	Talmage
T. C. Campbell	Hinckley	Page	G. Taylor
T. J. Campbell	Hogan	Petty	Tewksbury
Clark	Holmes	Pierson	Tremain
Cleary	Hussey	Ransom	Vedder
Coffey	Ives	Rich	Vosburgh
Cole	W. Johnson	Roscoe	Waehner
Comstock	Kennaday	Sanford	Wenzel
Cooke	Kirk	Schenck	West
Costigan	Krack	Schieffelin	Whitmore
Daly	Kshinka	Schuyler	Wurts
Decker	Lawrence	Shattuck	Yost
Ely	Lawson	Sherman	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses," for amendment.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Sherwood
Barkley	Edson	Lawson	Silverman
Beach	Faulkner	Lillybridge	Slingerland
Beardsley	Friend	McAfee	Speaker
Bennett	Gallagher	McGowan	Stacy
Bishop	Green	Merwin	Stephens
Bowen	Hammond	J. W. Miller	Talmage
Bradley	Hauschel	Muller	G. Taylor
Brogan	Hess	O'Keefe	W. F. Taylor
Burtis	Hinckley	Page	Tremain
Calkins	Holmes	Petty	Vedder
T. C. Campbell	Hussey	Pope	Vosburgh
T. J. Campbell	Ives	Ransom	Waehner
Clark	W. Johnson	Roscoe	West
Coffey	W. A. Johnson	Russell	Willis
Comstock	Kennaday	Schenck	Witbeck
Cooke	Kirk	Schuyler	Worth
Daggett	Krack	Seward	Wurts
Davis	Kshinka	Sherman	Yost

On motion of Mr. Sherman, and by unanimous consent, said bill was amended as follows:

Strike out section 2, and insert as follows:

"§ 2. Whenever a house of detention shall be provided in any county, according to the provisions of this act, any magistrate in such county authorized to commit persons charged with offenses and held for trial shall direct in his order of committal, in case the person charged is a woman or girl, or a boy under sixteen years of age, that such person be placed in the house of detention in his county instead of the jail, and every person held as a witness in such county shall be placed in such house of detention."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Scudder
Barkley	Farrar	Kshinka	Shattuck
Beardsley	Faulkner	Lawrence	Sherman
Benedict	Fish	Lewis	Shiel
Bennett	Friend	Lincoln	Slingerland
Berry	Gallagher	Mackin	Smith
Bordwell	Green	McGowan	Stacy
Braman	Griffin	McGroarty	Stauf
Brogan	Hammond	J. W. Miller	Struble
Burtis	Hauschel	Muller	Talmage
Calkins	Hepburn	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Peck	Tewksbury
T. J. Campbell	Hogan	Petty	Vedder
Clark	Houghton	Pope	Waehner
Coffey	Husted	Prince	Wenzel
Cole	Ives	Reilly	West
Cooke	W. Johnson	Roscoe	Willis
Costigan	Keenan	Russell	Worth
Daly	Kennaday	Schenck	Wurts
Davis	Kirk	Schuyler	Yost
Dessar			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. Daly, from the committee on affairs of cities, to which was referred the Governor's special message relative to municipal affairs, with power to report at any time, submitted the following resolutions:

*Whereas*, The Governor in his special message of May 11, 1875, called the attention of the Legislature to the evils arising from our present unstable municipal systems, and the necessity of adopting a permanent and uniform plan for the government of the cities of the State; therefore,

*Resolved* (if the Senate concur), That the Governor be and hereby

is authorized to appoint a commission of not more than twelve persons, whose duty it shall be to consider the subject referred to in the said message, to devise a plan for the government of cities, and to report the same to the next Legislature.

*Resolved* (if the Senate concur), That the committee on ways and means report a suitable appropriation for defraying the actual expenses of the commission, to be audited by the Comptroller, provided that the commission shall receive no compensation for their services.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

Mr. Daly, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hauschel, Int. No. 1118, entitled "An act in relation to public printing and stationery for the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act to amend chapter 757 of the Laws of 1873, entitled 'An act to amend chapter 335 of the Laws of 1873, entitled An act to reorganize the local government of the city of New York,' passed April 13, 1873," which report was agreed to, and said bill committed to the committee of the whole.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to authorize the court of oyer and terminer and court of sessions of the county of Kings to sentence prisoners convicted in said courts of any offense to the penitentiary of said county for any term for which they might be sentenced to a State prison," for amendment.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Scudder
Barkley	Ely	Lawson	Shattuck
Beach	Farrar	Lincoln	Sherman
Benedict	Fay	Mackin	Shiel
Berry	Friend	McAfee	Slingerland
Bishop	Gallagher	McGroarty	Smith
Bordwell	Green	J. W. Miller	Stacy
Bowen	Griffin	Muller	Stauf
Broas	Hanrahan	Oakley	Struble
Brown	Hepburn	O'Keefe	Talmage
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Holmes	Petty	Tremain
T. J. Campbell	Houghton	Pierson	Waehner
Cleary	Husted	Prince	Wellington
Coffey	Ives	Ransom	West
Comstock	W. A. Johnson	Rich	Willis
Cooke	Keenan	Russell	Witbeck
Daggett	Kirk	Sanford	Worth
Daly	Krack	Schenck	Wurts
Decker	Kshinka	Schuyler	Yost

On motion of Mr. McGroarty, and by unanimous consent, said bill was amended as follows:

Amend the title by striking out in line 3 the words "any offense" and insert the words "certain offenses."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative were,

Alvord	Edson	Lawrence	Shattuck
Barkley	Farrar	Lewis	Sherwood
Beach	Faulkner	Lillybridge	Shiel
Benedict	Fish	Mackin	Slingerland
Bennett	Friend	McGowan	Smith
Bishop	Gallagher	Merwin	Stacy
Bordwell	Green	W. Miller	Stauf
Braman	Hammond	Muller	Stephens
Brogan	Hanrahan	Oakley	Talmage
Burtis	Hepburn	Page	G. Taylor
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Hogan	Pierson	Vedder
T. J. Campbell	Hussey	Pope	Vosburgh
Clark	Ives	Ransom	Wellington
Coffey	W. Johnson	Reilly	West
Comstock	W. A. Johnson	Roscoe	Whitmore
Cooke	Keenan	Sanford	Witbeck
Daly	Kennaday	Schenck	Worth
Davis	Kirk	Schuyler	Wurts
Decker	Krack	Seward	Yost
Dessar	Kshinka		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The bill entitled "An act to fix the salaries of supervisors of the county of Erie," being announced for a third reading,

Mr. W. A. Johnson moved to recommit said bill to the committee on internal affairs.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 53 }  
{ NOES 40 }

Those who voted in the affirmative, were

Barkley	Friend	Lewis	Sherman
Bennett	Gallagher	Lincoln	Silverman

Braman	Griffin	McGowan	Slingerland
Brogan	Hanrahan	J. W. Miller	Smith
Brown	Hauschel	Muller	Speaker
T. C. Campbell	Hogan	Oakley	Stauf
T. J. Campbell	Keenan	O'Keefe	Talmage
Cleary	Kennaday	Page	W. F. Taylor
Coffey	Kirk	Pierson	Vosburgh
Cole	Krack	Ransom	Wenzel
Costigan	Kshinka	Reilly	Witbeck
Dessar	Lawrence	Schenck	Worth
Ely	Lawson	Shattuck	Wurts
Fish			

Those who voted in the negative, were

Alvord	Decker	Hussey	Russell
Benedict	Edson	Ives	Sanford
Berry	Farrar	W. A. Johnson	Schieffelin
Bishop	Fay	Lillybridge	Schuyler
Bowen	Gedney	Merwin	Scudder
Calkins	Hammond	Peck	Seward
Clark	Hepburn	Petty	Sherwood
Comstock	Hess	Pope	Tewksbury
Cooke	Holmes	Prince	Whitmore
Daly	Houghton	Roscoe	Yost

Mr. Hanrahan moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act relative to taxation and appropriations in the city of New York, and to provide for the payment of part of the cost of the Fourth avenue improvement from revenue bonds to be paid from taxation in 1876 instead of 1875, and to reduce the tax levy of 1875 accordingly," with a message informing of non-concurrence in the amendments of the Assembly thereto, that they have appointed a committee of conference thereon, consisting of Messrs. Woodin, Booth and Fox, and request a like committee on the part of the Assembly.

Mr. Daly moved that the request of the Senate be granted, and a like committee be appointed on the part of the Assembly.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Daly, McGowan, T. J. Campbell, Hess and Worth.

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of assent to a committee of conference thereon.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference, in the words following:

The committee of conference appointed by the Senate and Assembly, to which was referred the matters in difference between the two houses relative to the Assembly bill entitled "An act to authorize a tax of thirty-five one-hundredths of a mill per dollar of valuation for the year 1875, for the construction of new work upon and extraordinary repairs of the canals of this State," having met and duly considered the same, have agreed to recommend as follows;

That the Assembly concur in the following amendments of the Senate (reference in all cases being made to the engrossed bill) :

Page 1, in line 15, strike out all after figure 1 down to and including the word "is" in line 25, and insert in lieu thereof as follows: "There shall be paid out of the gross receipts of the canals for the fiscal year commencing October first, eighteen hundred and seventy-five, the following moneys, which are."

Page 1, line 29, strike out the words "section two."

Page 1, line 31, strike out the word "fifteen" and insert the word "ten."

Page 2, strike out line 1 to line 6, inclusive.

Page 2, strike out line 27 down to and including line 1, page 3.

Page 3, line 5, after the word "Whitehall" insert as follows: "Provided the Canal Board shall, upon examination, find that the State is legally or equitably bound to build said bridge, and not otherwise, and."

Page 3, line 15, strike out the word "twenty-five" and insert the word "forty."

Page 3, strike out line 17 down to and including line 33.

Page 4, strike out from line 12 to line 17, inclusive.

Page 4, strike out from line 25 down to and including line 1, page 5.

After line 24, page 4, insert the following:

"The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the removal of wall benches and building slope wall on the Erie canal, in the city of Utica, rendered necessary in consequence of the abandonment made by Henry D. Dennison; said work to be paid for on the certificate of the commissioner and engineer in charge."

Page 5, strike out from line 16 down to line 5, page 6, inclusive, and insert after line 19, page 6, as follows:

"In addition to appropriations made in the years 1873 and 1874, for constructing and maintaining a highway bridge over the Erie canal in the town of Watervliet, in the county of Albany, from the Ireland Corners' road, on the west side of said canal, to Island park, on the east side of said canal, and for the completion of approaches and vertical wall, the sum of four thousand dollars, or so much thereof as may be necessary; provided that before the said sum shall be paid the Canal Commissioner in charge of the eastern division shall require and place on file in their office full and sufficient release, legally executed, of all claims against the State from land or other damages, and release from any obligations to hereafter maintain said bridge."

Page 7, line 10, strike out all after the word "necessary" down to line 15, inclusive.

Page 7, after line 19 add as follows:

"The above work for rebuilding dam and bulkhead at the head of the Oneida creek feeder, for rebuilding feeder dam and bulkhead in the Skaneateles creek, in the village of Jordan, Erie canal; for repairing the following reservoirs, Eaton and Bradley brooks, Hatches' lake, Kingsley brook, Madison brook, Leland's and Woodman's ponds, Erie-ville and DuRuyter, and for repairing and protecting the aprons of the stone dams on the Oswego river, shall be done under the direction of the Canal Board, if upon examination the same shall be found to be necessary."

Page 7, strike out all after line 24, down to and including line 4, page 8.



Page 8, in line 6, strike out the words "and repairing piers at Ithaca." Same page, in line 7, strike out the word "ten" and in place thereof insert the word "five."

Page 8, in line 24, after the word "contract" strike out all down to and including the word "city" in line 28.

Page 8, strike out from line 31 down to line 2, page 9, inclusive.

Page 9, strike out from line 12 down to line 17, inclusive.

Page 9, strike out from line 33 down to line 2, page 10, inclusive.

Page 10, strike out from line 15 down to line 24, same page, inclusive.

Page 10, after line 24, add as follows: "To pay the draft of William. W. Wright, late Canal Commissioner, on the Auditor of the Canal Department in favor of C. L. McAlpine, resident engineer, for extra expenses and services performed under the direction of said Wright and other members of the Canal Board, the sum of six hundred and three dollars."

Page 10, strike out from line 28 to line 31, inclusive.

Page 11, strike out from line 17 down to line 24, inclusive.

Page 11, strike out from line 31 down to line 34, inclusive.

Page 12, strike out from line 3 down to line 13, inclusive.

Page 12, strike out line 24 down to line 28, inclusive.

Add after line 7, page 13, as follows: "And no part of the sums herein appropriated shall be expended on the Chenango, Chemung, Crooked Lake, Genesee Valley or Black River canals, except so far as the same may be necessary to maintain them as feeders to the Erie canal, except for rebuilding with iron the bridge over Crooked Lake canal near guard lock in the village of Penn Yan, the sum of two thousand five hundred dollars."

Amend the title so as to read "An act to authorize the construction of work upon the canals of this State."

And also recommend that the Senate recede from their amendments striking out the following items, and that the same be restored as follows:

At line 1, page 5:

"For the construction of two iron pipe sewers under the Erie canal in the city of Utica, at or near the lines of State and First streets, said sewers to be of sufficient capacity to carry off the sewage of said city, now discharged into the Erie canal, the sum of five thousand dollars; provided that the city of Utica shall build said sewers under the direction of the Canal Commissioner in charge of the eastern division, and that the cost of said sewers in excess of the sum of five thousand dollars shall be paid by the city of Utica, without recourse to the State."

"For building an iron, swing, hoist or turn-table bridge at the foot of Lawrence street, in the city of Albany, the sum of ten thousand dollars, or so much thereof as may be necessary."

After line 17, page 9:

"To pay the deficiency of an appropriation made by chapter eight hundred and fifty of the Laws of eighteen hundred and seventy-two, for constructing farm and other bridges and crossings over the Chenango canal extension between Binghamton and Owego, the sum of three hundred and seventy-nine dollars and ninety-two cents."

"For completing new feeder channel in place of old decayed wooden flume or iron pipe in the Owasco feeder at Port Byron, in order to get an additional supply of water, made necessary by enlarging the locks on Port Byron level, the sum of three thousand five hundred dollars, or so much thereof as may be necessary."



After line 13, page 12:

"For constructing a culvert under the Erie canal, in the city of Rochester, the sum of three thousand dollars; provided that the said city of Rochester shall build said culvert under the direction of the Canal Commissioner in charge of the western division, and that the cost of said culvert, in excess of the sum of three thousand dollars, shall be paid by the city of Rochester without recourse to the State."

After line 28, page 12:

"For the construction of an iron bridge over the Erie canal, connecting Earl and Kent streets, in the village of Palmyra, the sum of six thousand dollars, or so much thereof as may be necessary."

All of which is respectfully submitted.

DAN H. COLE,  
WM. JOHNSON,  
H. O. CONNELLY,

*Senate Committee.*

A. S. PAGE,  
E. E. DAVIS,  
WM. HOGAN,

*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Lawson	Seward
Barkley	Edson	Lewis	Shattuck
Benedict	Ely	Lincoln	Sherman
Bennett	Faulkner	McGowan	Sherwood
Berry	Friend	Merwin	Silverman
Bishop	Gedney	J. W. Miller	Slingerland
Bowen	Griffin	Muller	Speaker
Braman	Hanrahan	Oakley	Stauf
Brogan	Hanschel	O'Keefe	Struble
Brown	Hepburn	Page	Talmage
Burtis	Hogan	Peck	G. Taylor
Calkins	Holmes	Petty	Tewksbury
T. C. Campbell	Houghton	Pierson	Tremain
T. J. Campbell	Hussey	Pope	Vedder
Clark	Husted	Prince	Vosburgh
Cleary	Ives	Ransom	Waehner
Coffey	W. A. Johnson	Reilly	Wenzel
Cole	Keenan	Roscoe	Whitmore
Comstock	Kirk	Russell	Willis
Cooke	Krack	Schenck	Witbeck
Daly	Kshinka	Schieffelin	Worth
Davis	Law	Schuyler	Yost

For the negative,  
Lillybridge

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Ely moved to lay the present order of business on the table for the purpose of making a report from the committee on roads and bridges.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Ely, from the committee on roads and bridges, to which was referred the Senate bill introduced by Mr. Wagner, Int. No. 432, entitled "An act to provide for a free bridge across the outlet of Lake Saratoga, and the laying out and constructing and grading the avenues and approaches thereto, and the extinguishment of all rights, titles and interest of the stockholders in the present toll bridge over said outlet near Moon's Lake House," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fish, from said committee, submitted the following report on the same subject :

The majority of the committee on roads and bridges, to whom was referred the bill to create a free bridge over the outlet of Saratoga lake, near "Moon's," hereby report:

That the bill should be amended so as to submit the question as to whether a free bridge should be created and maintained across the outlet of Saratoga lake at the expense of the towns of Saratoga Springs and Saratoga to the tax payers of said towns.

It appears that said towns are already heavily burdened with taxes, the town of Saratoga Springs having a bonded debt of \$550,000 and upward, and the town of Saratoga a bonded debt of \$150,000, and those towns should not be further oppressed by taxation, unless a majority of the tax payers of said towns consent to such taxation.

It further appears to us that the passage of this bill will be in the interest of individuals, and not in the interest of persons who are to pay the taxes imposed by the bill.

All of which is respectfully submitted.

*May 18, 1875.*

W. H. FISH,  
O. C. BORDWELL,  
STEPHEN GRIFFIN,  
A. B. LAW,  
J. A. MERWIN.

Said report was referred to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on ways and means, to which was referred the bill introduced by Mr. Hammond, Int. No. 1112, entitled "An act to provide ways and means for the support of government," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

The bill entitled "An act to amend section 59 of chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" being announced for a third reading,

Mr. Holmes moved to recommit said bill to the committee on ways and means, with instructions to strike out the enacting clause.

Debate was had thereon, when

Pending the question, the hour of 2 o'clock P. M. having arrived, the House took a recess until 4 o'clock P. M.

## FOUR O'CLOCK.

The House again met.

Mr. Speaker announced the question pending at the hour of recess to be upon the motion of Mr. Holmes to recommit to the committee on ways and means the bill entitled "An act to amend section 59 of chapter 223 of the Laws of 1875 entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" with instructions to strike out the enacting clause.

Mr. Husted moved as an amendment to recommit said bill to the committee on ways and means, with power to amend and report back at any time.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to aid motion of Mr. Holmes, as amended, and it was determined in the affirmative.

The bill entitled "An act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building and a lock-up thereon, and furnish the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Fay	Lewis	Scudder
Barkley	Friend	Lillybridge	Seward
Beardsley	Gallagher	Lincoln	Shattuck
Berry	Green	Mackin	Sherman
Bordwell	Hanrahan	J. W. Miller	Sherwood
Bowen	Hauschel	Oakley	Silverman
Braman	Hepburn	O'Keefe	Smith
Broas	Hess	Page	Speaker
T. C. Campbell	Hogan	Peck	G. Taylor
Clark	Holmes	Petty	W. F. Taylor
Cleary	Houghton	Pierson	Tewksbury
Coffey	Hussey	Prince	Vedder
Comstock	Husted	Ransom	Vosburgh
Costigan	Ives	Reilly	Waehner
Daly	W. A. Johnson	Rich	Wellington
Davis	Kirk	Roscoe	Wenzel
Decker	Law	Russell	Whitmore
Ely	Lawrence	Schieffelin	Willis
Farrar	Lawson	Schuyler	Witbeck
Faulkner			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relative to certain lands in the village of Flushing, devised by Silas Hicks, deceased, to his wife, since deceased, during the term of her life, and upon her decease to trustees, and to authorize the sale thereof, and the disposition of the proceeds of sale in accordance with the provisions of said will," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 67 }  
{ NOES 00 }

. Those who voted in the affirmative, were

Alvord	Ely	Lincoln	Schuyler
Barkley	Faulkner	McGroarty	Seward
Beardsley	Fay	Merwin	Sherwood
Berry	Friend	J. W. Miller	Shiel
Bishop	Gallagher	Oakley	Silverman
Bordwell	Hanrahan	O'Keefe	Smith
Bowen	Hauschel	Page	Speaker
Brogan	Hepburn	Petty	Stauf
Calkins	Hess	Pierson	Talmage
T. C. Campbell	Hogan	Prince	G. Taylor
Clark	Hussey	Ransom	W. F. Taylor
Cleary	Husted	Reilly	Tewksbury
Coffey	W. Johnson	Roscoe	Vosburgh
Comstock	W. A. Johnson	Russell	Wenzel
Costigan	Kirk	Sanford	Willis
Daly	Lawrence	Schenck	Wurts
Decker	Lawson	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to provide for the compensation of non-resident justices sitting and acting as members of the general term of the first judicial department," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Scudder
Barkley	Farrar	Lawrence	Seward
Beardsley	Faulkner	Lawson	Shattuck
Bennett	Fay	Lewis	Sherman
Berry	Friend	Lincoln	Sherwood
Bishop	Gallagher	McGowan	Silverman

Bordwell	Gedney	McGroarty	Smith
Bowen	Green	J. W. Miller	Speaker
Braman	Hanrahan	Oakley	Stauf
Brogan	Hauschel	O'Keefe	Talmage
T. C. Campbell	Hess	Page	G. Taylor
T. J. Campbell	Hogan	Petty	W. F. Taylor
Clark	Holmes	Pierson	Vosburgh
Cleary	Hussey	Prince	Waehner
Coffey	Husted	Ransom	Wellington
Cooke	Ives	Reilly	Wenzel
Costigan	W. Johnson	Russell	West
Daly	W. A. Johnson	Schenck	Willis
Decker	Kennaday	Schieffelin	Wurts
Edson	Kirk	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to authorize the common council of the city of Buffalo to discontinue East street between Parish and South streets, and Dearborn street between Parish and Tonawanda streets," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Schenck
Barkley	Farrar	Lawrence	Schuyler
Beardsley	Faulkner	Lewis	Scudder
Bennett	Friend	Lillybridge	Shattuck
Berry	Gallagher	Lincoln	Sherman
Bordwell	Griffin	McGowan	Shiel
Bowen	Hanrahan	McGroarty	Smith
Braman	Hauschel	J. W. Miller	Speaker
Broas	Hess	Oakley	Stauf
Calkins	Hinckley	O'Keefe	Talmage
T. C. Campbell	Hogan	Page	G. Taylor
T. J. Campbell	Holmes	Petty	W. F. Taylor
Clark	Hussey	Pierson	Tewksbury
Cleary	Husted	Pope	Vedder
Coffey	Ives	Prince	Vosburgh
Comstock	W. Johnson	Ransom	Waehner
Costigan	W. A. Johnson	Reilly	Wenzel
Daly	Kennaday	Rich	Witbeck
Decker	Kirk	Russell	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to amend the act to combine into one

act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, and also to repeal the act establishing a capital police district, and to provide for the government thereof, passed April 22, 1865, and the several acts amendatory thereof, in so far as they relate to the city of Albany, passed March 16, 1870,' passed April 15, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schuyler
Barkley	Ely	Lawrence	Scudder
Beardsley	Farrar	Lawson	Seward
Berry	Faulkner	Lewis	Shattuck
Bishop	Fish	Lincoln	Sherwood
Bordwell	Friend	McAfee	Silverman
Bowen	Gallagher	McGowan	Smith
Braman	Gedney	McGroarty	Speaker
Brogan	Griffin	J. W. Miller	Stephens
Brown	Hanrahan	Oakley	Talmage
Calkins	Hepburn	O'Keefe	G. Taylor
T. C. Campbell	Hess	Page	W. F. Taylor
T. J. Campbell	Hinckley	Petty	Tewksbury
Clark	Hogan	Pierson	Vosburgh
Cleary	Holmes	Pope	Waehner
Coffey	Hussey	Ransom	Wenzel
Cole	Husted	Rich	West
Costigan	Ives	Russell	Witbeck
Daly	W. Johnson	Schenck	Yost
Decker	W. A. Johnson		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Husted, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Schenck
Barkley	Farrar	Krack	Schuyler

Beardsley	Faulkner	Kashinka	Souder
Bennett	Fish	Law	Shattuck
Berry	Friend	Lawrence	Sherwood
Bordwell	Gallagher	Lawson	Silverman
Braman	Green	Lewis	Speaker
Broas	Griffin	Lillybridge	Stauf
Brown	Hammond	Mackin	Struble
Calkins	Hauschel	McGowan	Talmage
T. C. Campbell	Hepburn	McGroarty	G. Taylor
T. J. Campbell	Hess	J. W. Miller	W. F. Taylor
Clark	Hogan	Oakley	Vedder
Cleary	Holmes	O'Keefe	Vosburgh
Comstock	Hussey	Petty	Wenzel
Costigan	Husted	Pope	Willis
Daly	W. Johnson	Ransom	Witbeck
Decker	W. A. Johnson	Rich	Wurts
Edson	Keenan	Russell	Yost

For the negative,

Prince

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to enable the Buffalo General Hospital to change the number of its trustees," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Sanford
Barkley	Ely	Lawrence	Schenck
Beardsley	Farrar	Lawson	Schuyler
Bennett	Faulkner	Lillybridge	Seward
Berry	Fish	Lincoln	Shattuck
Bordwell	Friend	Mackin	Sherwood
Bowen	Gallagher	McAfee	Slingerland
Braman	Green	McGowan	Stauf
Brogan	Hammond	McGroarty	Stephens
Calkins	Hauschel	J. W. Miller	Talmage
T. C. Campbell	Hess	Oakley	G. Taylor
T. J. Campbell	Hinckley	Page	Tewksbury
Clark	Holmes	Petty	Vosburgh
Cleary	Hussey	Pierson	Waehner
Cole	Husted	Pope	Wenzel
Cooke	W. Johnson	Prince	West
Costigan	Kennaday	Ransom	Whitmore
Davis	Kirk	Rich	Wurts
Dessar	Krack	Roscoe	Yost

For the negative,

Smith



*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,'" for amendment.

Mr. Speaker put the question whether the House would agree to reconsider the vote by which said bill was passed, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Schieffelin
Barkley	Ely	Lawson	Scudder
Beach	Farrar	Lillybridge	Seward
Bennett	Faulkner	Lincoln	Shattuck
Bishop	Friend	McAfee	Sherwood
Bowen	Gallagher	McGowan	Silverman
Braman	Green	Merwin	Smith
Brown	Hammond	J. W. Miller	Struble
Calkins	Hanrahan	Oakley	G. Taylor
T. C. Campbell	Hess	Page	W. F. Taylor
T. J. Campbell	Hinckley	Peck	Vedder
Cleary	Hogan	Petty	Vosburgh
Coffey	Houghton	Pierson	Waehner
Cole	Husted	Pope	Wenzel
Cooke	Ives	Ransom	Witbeck
Costigan	W. Johnson	Reilly	Worth
Daggett	W. A. Johnson	Rich	Wurts
Daly	Kirk	Roscoe	Yost
Dessar	Krack	Russell	

On motion of Mr. G. Taylor, and by unanimous consent, said bill was amended as follows:

Strike out section 2 and add to section 1 the following:

"The common council of said city is hereby authorized if in its opinion it shall be deemed necessary for the completion of the water-works for said city, to direct the issue of the bonds of said city in the manner heretofore prescribed by law, at a rate of interest not exceeding seven per cent per annum, payable in not more than thirty years from date thereof; but the amount of such bonds shall not exceed in the aggregate the sum of one hundred and eighty-two thousand dollars, and such bonds shall not be sold at less than par. The common council of said city is hereby authorized and directed to raise from time to time, by tax upon the estates, real and personal, subject to tax in said city, the sum or sums which may be required to pay the interest on the bonds hereby authorized to be issued, and to redeem them at maturity."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Shattuck
Barkley	Farrar	Lewis	Sherman
Beardsley	Faulkner	Lincoln	Sherwood
Bennett	Fish	McAfee	Shiel
Berry	Friend	McGowan	Slingerland
Bordwell	Gallagher	McGroarty	Smith
Braman	Gedney	J. W. Miller	Speaker
Broas	Griffin	Muller	Stauf
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hauschel	O'Keefe	W. F. Taylor
T. C. Campbell	Hepburn	Peck	Tremain
T. J. Campbell	Hess	Petty	Vedder
Clark	Hinckley	Pierson	Vosburgh
Cleary	Hogan	Pope	Waehner
Coffey	Holmes	Ransom	Wellington
Cole	Husted	Rich	Wenzel
Cooke	Ives	Russell	West
Daly	W. Johnson	Schenck	Witbeck
Davis	W. A. Johnson	Schuyler	Wurts
Dessar	Kirk	Scudder	Yost
Edson			

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bills entitled as follows:

"An act to amend chapter 25 of the Laws of 1870, entitled 'An act to incorporate the city of Rome,' and also to amend chapter 49 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Rome.'"

"An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

"An act to repeal a portion of section 1 of title 6 of chapter 39 of the Laws of 1874, entitled 'An act to reorganize the village of Medina.'"

"An act to amend chapter 529 of the Laws of 1874, entitled 'An act to provide for increased facilities of the fire department of the town of New Lots.'"

"An act to legalize, ratify and confirm the official action of the board of assessors of the city of New York, in designating the New Yorker Journal to publish notices in the year 1872, in relation to paving streets, laying crosswalks and building sewers in said city, and providing for payment for the publication of such notices."

*Ordered,* That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to release the interest of the State of New York in certain real estate in the city of Albany, of which William Wilcox died seized."

*Ordered,* That the Clerk deliver said bill to the Governor.

The bill entitled "An act further to provide for the construction and operation of a steam railway or railways in counties of the State," being announced for a third reading,

Mr. T. C. Campbell moved to recommit said bill to the committee on railroads with instructions to amend as follows:

"SECTION 1. Whenever it shall appear by the application of fifty reputable householders and tax payers of any county in this State, verified upon oath before a justice of the supreme court, that there is need in such county of a steam railway or railways for the transportation of passengers, mails or freight, the board of supervisors of such county may, within thirty days after presentation to them of such application, duly verified as aforesaid, appoint five commissioners who shall have full power and authority to do and provide all that they are hereinafter directed to do and provide, and a certificate of whose appointment, signed by the chairman and clerk of such board, shall be filed in the office of the Secretary of State, and a duplicate thereof in the office of the clerk of such county.

"But whenever any such proposed railway shall be wholly within the limits of any city in the State, then such application shall be made only to the mayor of said city, and such mayor shall appoint such commissioners as aforesaid."

Mr. Alvord moved to further amend as follows:

Section 9, engrossed bill, line 14, after the word "and" insert the words "a duplicate of the same." Section 11, line 14, after the word "post-office" insert the words "postage prepaid."

Section 14, line 17, after the word "office" insert the words "postage prepaid."

Section 38, line 2, strike out the words "five thousand" and insert the word "ten." Same section, line , strike out the word "annum" and insert the words "day for each day of actual service as such commissioners."

Section 39, line 7, strike out the word "Governor" and insert the words "power appointing him." Same section, line 15, strike out the word "Governor" and insert the words "power appointing him."

Mr. T. C. Campbell accepted the amendments of Mr. Alvord.

On motion of Mr. Hammond, and by unanimous consent, said bill was amended as follows:

On page 12, section 22, line 9, after the word "order" insert the words "with interest from the date thereof."

After the word "aforesaid," in line 18, in the same section, insert the following: "If the company shall neglect to have such order recorded, and to make the payment or deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings and interested therein may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid, with interest thereon from the date of said order, shall be a debt against the company, and the same shall be a lien on such real estate, and may be enforced and collected by action at law or in equity in the supreme court, with costs."

On motion of Mr. Husted, and by unanimous consent, said bill was amended as follows:

Section 4, line 26, after the word "or" insert the words "in case the consent of such property owner cannot be obtained."

On motion of Mr. Burtis, and by unanimous consent, said bill was amended as follows:

Section 1, line 9, insert after the word "commissioners" the words "who shall be residents of the said county and."

Mr. Dessar moved to amend as follows:

Section 4, line 8, after the word "except" insert the word "under."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the affirmative.

{ AYES 71 }  
{ NOES 28 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Schenck
Beardsley	Farrar	Lillybridge	Schieffelin
Bennett	Faulkner	Lincoln	Souder
Berry	Fish	McGowan	Sherwood
Bishop	Gallagher	McGroarty	Shiel
Bordwell	Griffin	J. W. Miller	Smith
Bowen	Hammond	Muller	Speaker
Brogan	Hanrahan	O'Keefe	Stauf
Burtis	Hauschel	Page	G. Taylor
T. C. Campbell	Hinckley	Peck	Vosburgh
T. J. Campbell	Hogan	Petty	Waehner
Clark	Holmes	Pierson	Wellington
Cole	Houghton	Pope	Wenzel
Comstock	Hussey	Prince	Whitmore
Costigan	W. A. Johnson	Ransom	Willis
Daggett	Keenan	Reilly	Witbeck
Davis	Kennaday	Rich	Yost
Decker	Kirk	Russell	

Those who voted in the negative, were

Barkley	Daly	Kshinka	Shattuck
Benedict	Ely	Lawson	Sherman
Braman	Gedney	Mackin	Slingerland
Broas	Hess	Oakley	W. F. Taylor
Brown	Husted	Roscoe	Tremain
Cleary	Ives	Schuyler	West
Coffey	Krack	Seward	Wurts

Mr. Mackin, from the committee on railroads, reported back said bill amended as directed by the House.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 99 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Lawrence	Souder
Barkley	Edson	Lawson	Seward
Benedict	Farrar	Lillybridge	Shattuck

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Bennett	Faulkner	Lincoln	Sherman
Berry	Friend	Mackin	Sherwood
Bishop	Gallagher	McGowan	Shiel
Bordwell	Gedney	McGroarty	Silverman
Bowen	Green	Merwin	Slingerland
Braman	Griffin	J. W. Miller	Smith
Broas	Hammond	Muller	Speaker
Brogan	Hauschel	Oakley	Stauf
Brown	Hess	O'Keefe	G. Taylor
Burtis	Hinckley	Page	W. F. Taylor
Calkins	Hogan	Peck	Tewksbury
T. C. Campbell	Holmes	Petty	Tremain
T. C. Campbell	Houghton	Pierson	Vedder
Clark	Hussey	Pope	Vosburgh
Coffey	Husted	Prince	Wellington
Cole	Ives	Ransom	West
Comstock	Keenan	Reilly	Whitmore
Cooke	Kennaday	Rich	Willis
Costigan	Kirk	Russell	Witbeck
Daly	Krack	Schenck	Wurts
Davis	Kshinka	Schieffelin	Yost
Decker	Law	Schuyler	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to regulate pilotage for the port of New York," with a message informing that they assent to a committee of conference thereon, and have appointed Messrs. Coe, King and Robertson as such committee.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was recommended the bill introduced by Mr. Costigan, Int. No. 453, entitled "An act for the better regulation of railroad companies and the election of the officers of the same," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill replaced on the calendar of third reading of bills.

Mr. Mackin dissented from said report.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 65 }  
{ NOES 35 }

Those who voted in the affirmative, were

Barkley	Cooke	Ives	Seward
Beardsley	Decker	W. A. Johnson	Shattuck
Benedict	Edson	Kennaday	Sherman
Bennett	Ely	Kirk	Sherwood
Berry	Farrar	Lillybridge	Smith
Bishop	Faulkner	Lincoln	Speaker
Bordwell	Fay	McGroarty	Struble

Bowen	Fish	Merwin	G. Taylor
Broas	Friend	J. W. Miller	W. F. Taylor
Brogan	Green	Muller	Tewksbury
Brown	Griffin	Oakley	Vedder
Burtis	Hanrahan	Page	Wellington
T. C. Campbell	Hauschel	Pierson	Wenzel
T. J. Campbell	Hinckley	Prince	Whitmore
Coffey	Holmes	Schuyler	Witbeck
Cole	Houghton	Scudder	Wurts
Comstock			

Those who voted in the negative, were

Alvord	Hess	Mackin	Schenck
Calkins	Hogan	McGowan	Schieffelin
Costigan	Husted	O'Keefe	Shiel
Clark	W. Johnson	Peck	Slingerland
Daly	Keenan	Petty	Stephens
Dessar	Krack	Pope	Vosburgh
Gedney	Kshinka	Ransom	West
Hammond	Lawrence	Reilly	Yost
Hepburn	Lewis	Roscoe	

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female,' passed March 29, 1871," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 6, strike out the word "five" and insert the word "two." After the word "hundred" insert the words "and fifty."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Seward
Barkley	Farrar	Lewis	Shattuck
Beach	Faulkner	Lincoln	Sherman
Beardsley	Fish	McAfee	Shiel
Bennett	Friend	McGowan	Silverman
Berry	Gallagher	McGroarty	Smith
Bordwell	Griffin	J. W. Miller	Speaker
Braman	Hammond	Muller	Stephens
Brogan	Hanrahan	O'Keefe	Talmage
Burtis	Hess	Peck	G. Taylor
Calkins	Hinckley	Petty	Tewksbury
T. C. Campbell	Hogan	Pierson	Vedder
T. J. Campbell	Husted	Pope	Vosburgh

Clark	Ives	Ransom	Waehner
Coffey	W. Johnson	Rich	Wenzel
Comstock	Kennaday	Russell	Whitmore
Costigan	Kirk	Sanford	Worth
Daly	Krack	Schenck	Wurts
Dessar	Kshinka	Schuyler	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act making appropriations for certain expenses of government," with a message in the words following:

*Resolved*, That the report of the conference committee be agreed to so far as said committee have reported an agreement, and to such portion thereof as the committee have reported a disagreement, that a new committee of conference be requested of the Assembly, and have appointed as such committee on the part of the Senate Messrs. Wood, Tobey and Fox.

Which report is in the words and figures following, to wit:

Your committee of conference, to which was referred the matters of difference between the two Houses upon the Assembly bill entitled "An act making appropriations for certain expenses of government," beg leave to respectfully report that they have met and duly considered the same, and have agreed to recommend the following (reference in all cases being had to the engrossed bill):

That they have agreed to recommend that the Assembly concur in the amendments to the bill proposed by the Senate.

Page 1, line 3, after the word "government," insert the words "and supplying deficiencies in former appropriations."

That they have agreed to recommend that the Assembly do concur in the amendment to the bill proposed by the Senate, amended so as to read as follows:

Page 2, at the end of line 12, engrossed bill, add the following:

"For fire and burglar proof safe, one thousand dollars; for making the necessary improvements in rebuilding forge fires, twelve thousand dollars, or so much thereof as may be necessary to be expended by the inspectors, with the approval of the Comptroller."

That the Senate recede from the amendment to the bill proposed by the Senate (page 2, line 26), and re-insert the portion of the item stricken out by the Senate, so amended that the whole item will read as follows:

"For Sing Sing prison, for deficiency in appropriation for new laundry building, four thousand five hundred dollars; for iron bedsteads for prison, five thousand dollars; for laundry and bathing-rooms, one thousand five hundred dollars; for filling up and preserving the dock, three thousand dollars; for repairing and furnishing school-room, one thousand dollars."

"For James Hasson, for services in aiding in the discipline at Sing Sing prison for the year eighteen hundred and seventy-five, six hundred dollars; for James McGowan, for services in aiding in the discipline at Clinton prison for the year eighteen hundred and seventy-five, four hundred dollars."

That the Assembly do concur in the following amendments to the bill as proposed by the Senate, inserted after line 2, page 3:



"For the completion of the State armory at Auburn, ten thousand dollars, and the Commissioners of the Land Office shall sell the old armory and lot in the city of Auburn, and the funds received therefor shall be paid into the general fund.

"For the completion of the State armory at Syracuse, including the battery building attached thereto, the balcony floors and ceiling in the drill-rooms, the floor in the battery building, necessary fixtures, furniture, lighting and heating apparatus complete, and for grading and sewerage, the sum of thirty thousand dollars."

That the Senate recede from the following amendment as proposed, namely :

Same page, line 13, strike out the words "five hundred," and insert in lieu thereof the words "one thousand."

That the Assembly concur in the following amendments to the bill, as proposed by the Senate:

Add at the end of said line 13, the following: "And out of the sum hereby appropriated to the library of the sixth district, may be purchased the reports of the decisions of the courts of the States of Massachusetts and New York."

Same page, line 32, strike out the words "six hundred," and insert in lieu thereof the words "one thousand."

Page 4, line 7, after the word "fuel," insert the words "and the purchase of four fire extinguishers."

Same page, line 8, after the word "thousand" insert the words "two hundred and fifty."

That the Assembly do concur in the amendment proposed by the Senate, amended so as to read as follows :

Add after line 13, page 4, the following :

"For the expenses of James G. Thompson and William Youmans, Jr., including counsel fees, in the trial of the contested election for Senator in the Twenty-third Senatorial district at the election in November, eighteen hundred and seventy-three (which said expense shall be audited and paid by the Comptroller), the sum of thirteen thousand dollars, or so much thereof as shall be necessary.

"For the expenses of Hugh H. Moore, in the trial of the contested election for Senator in the Eighth Senatorial district, two thousand dollars, or so much thereof as shall be necessary, to be audited and paid by the Comptroller.

"For Charles Simon for expenses incurred by him in the case of the contested election for member of Assembly for the Third district of the county of Onondaga for the year eighteen hundred and seventy-four, being a reappropriation of like amount in the supply bill of eighteen hundred and seventy-four not paid, the sum of two hundred and fifty dollars."

That the Senate recedes from the following proposed amendments :

Page 5, line 3, strike out the words "two hundred and fifty dollars" and insert the words "five hundred dollars."

Same page, strike out from and including line 4 down to and including line 15.

Same page, strike out lines 18, 19 and 20.

Same page, line 23, insert after the word "the," first occurring, the words "late Lieutenant-Governor and."

Line 24, strike out the word "his" and insert the word "their."

Line 26, strike out the word "two" and insert the word "three."

That the Assembly concur in the following amendment to the bill as proposed by the Senate :

Page 5, strike out lines 28 to 35, inclusive.

Page 6, strike out lines 1 to 6, inclusive.

That the Senate recede from the following proposed amendments :

Page 6, line 11, after the word "the" insert the words "Senate and Assembly."

Line 12, after the word "adjoining" insert the words "while in use by."

Strike out the word "chambers" and insert the words "during the present session of the Legislature."

Line 14, after the word "them," strike out down to and including the word "capitol" in line 18.

That the Assembly concur in the following amendment to the bill, as proposed by the Senate, and amended so as to read as follows :

Insert after the word "capitol," line 18, page 6 :

"The accounts of counsel and stenographers employed on the part of the State by the committees of investigation of the Senate and Assembly during the present session of the Legislature, and employed by the committees on privileges and elections and of finance of the Senate during the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, and of counsel employed by the new capitol commissioners and by the managers of the Hudson River State Hospital on the investigation of their affairs by the finance committee of the Senate, and of the stenographers of the present Senate and Assembly, to reimburse them for amounts actually paid out by them, for assistance in writing out debates therein for the use of members thereof, and the postmasters of the Senate and Assembly for services after the close of the sessions of eighteen hundred and seventy-four and eighteen hundred and seventy-five, pursuant to resolutions of the Senate and Assembly, of the clerk of the committee on privileges and elections, and of the sergeant-at-arms of the Senate, while attending upon the committees on privileges and elections, and of finance of the Senate during the recess of the Legislature, in the year eighteen hundred and seventy-four, and subpoenaing witnesses before the same, and the accounts of the committees of investigation appointed by the present Legislature, or either branch thereof, for their expenses and the compensation and expenses of their employees and the accounts for the rent of rooms, gas, fuel, care and furniture for Senate and Assembly committees, except as herein otherwise provided, for the session of the Legislature of eighteen hundred and seventy-five, and for the services of Charles C. Nichols, as an expert in making measurements of quantities of material in the new capitol, for the use of the Senate investigating committee, and bills of printing for said committees, and for printing the constitutional amendment ballots used for the voters of the State at the election in November, eighteen hundred and seventy-four, and for printing and binding the Senate resolutions and proceedings on the life and services of the Hon. John Ganson, deceased, shall be audited by the Comptroller and paid by him out of any funds appropriated for the payment of legislative expenses."

That the Assembly concur in the following amendment to the bill as proposed by the Senate :

Page 6, line 30, after the word "house" insert "for Syracuse a group of wells."

That the Senate recede from the following proposed amendment :

Page 7, strike out lines 5 to 11, both inclusive.

That the Assembly concur in the following amendments to the bill as proposed by the Senate :

Page 7, line 16, strike out the word "ten" and insert the word "fifteen."

That the Senate recede from the following proposed amendment :

Page 7, strike out lines 23, 24, 25 and 26, and concur in the following amendment, as proposed by the Assembly, making paragraph so as to read as follows :

"For refunding to the county of Wyoming moneys alleged to have been erroneously paid into the State treasury, two thousand two hundred and seventy-six dollars and one cent, if upon investigation, the Comptroller shall determine that said county is equitably entitled thereto."

That the Assembly concur in the following amendments to the bill as proposed by the Senate :

Page 7, line 29, strike out the words "six thousand" and insert the words "twelve thousand five hundred."

Page 8, lines 22 and 23, strike out the words "six thousand two hundred" and insert "thirty thousand."

That the Assembly concur in the amendment to the bill as proposed by the Senate, and amended as follows :

Strike out all after the word "necessary," line 24, page 8, down to and including the word "Comptroller," in line 32, and insert the following :

"For the payment of the clerk hire of the committee of ways and means of the last Assembly in their investigation of the question of assessment and taxation, the sum of one thousand dollars, or so much thereof as shall be necessary, and for the messenger of said committee, two hundred dollars, or so much thereof as shall be necessary, and to the clerk of the Senate, for preparing and distributing index to general laws of the State, from eighteen hundred and fifty-seven to eighteen hundred and sixty-five, inclusive, and causing the same to be printed, under a resolution of the Senate, adopted January twenty-sixth, eighteen hundred and seventy-five, five hundred dollars, or so much thereof as may be necessary; all bills to be audited by the Comptroller."

That the Assembly concur in the following amendment to the bill as proposed by the Senate :

Page 9, after line 6, insert the following :

"For supplying the town of Ticonderoga with the Revised Statutes, Edmond's edition, to replace those destroyed by fire, fifty dollars, or so much thereof as may be necessary."

Page 9, line 9, strike out the word "four" and insert the word "three." Line 18, strike out the words "or enlarging accommodations" and insert the words "for alteration and repairs and additional furniture and fixtures for heating apparatus." Line 19, strike out the word "ten" and insert the word "fifteen." After line 20 insert the following :

"For the State Normal school, Buffalo, for repair upon the building and premises, and for payment of the local assessments by the city of Buffalo, for improvements, chargeable upon the property, five thousand dollars, or so much thereof as shall be necessary."

"For the payment of the services of Abraham Lansing as State Treasurer, during the illness and suspension of Thomas Raines, State Treasurer, from June first to September fifteenth, eighteen hundred and

seventy-four, eight hundred and seventy-five dollars, or so much thereof as shall be found due him on the audit and certificate of the Governor."

Page 10, line 9, after the word "lowest" insert the words "bona fide responsible," and after the word "bidder" insert the words "whose bid shall be balanced."

Add at the end of line 10, the following: "Cast-iron conduits may be substituted in said raceway in place of the walling and [covering with stone, in case the said commission shall find the same can be done as cheaply and that it will be for the interest of the State so to do. No part of the work shall be contracted for, nor money expended thereon until the State Engineer shall certify that the same is necessary, and in his opinion can be completed for the amount hereby appropriated."

That the Assembly concur in the following amendment, as proposed by the Senate bill by amending so as to read as follows:

Add at end of page 10, the following:

"For the Attorney-General for the payment of the expenses of Fulton Paul, a witness from South America, attending on the part of the State, at the request of the Governor, at the trial of Charles H. Phelps, the sum of three hundred and twenty-five dollars, and for William E. Warren for expenses as a witness attending on the part of the State, at the request of the Governor, at the trial of Charles H. Phelps, the sum of three hundred and thirty-four dollars and thirteen cents, or so much thereof as may be necessary; said expenses to be audited by the Attorney-General, and paid by the Comptroller on his certificate of audit."

That the Senate recede from the following proposed amendment:

Page 10, add at the end of page (after the word "audit," in Warren item), the following:

"For the Commissioners of the Land Office, to enable them to refund, with interest, to Cheeney Ames, the purchase-money paid by him to the State, on the sale to him of certain lands, which sale was subsequently revoked, one thousand six hundred and sixty dollars, or so much thereof as shall be necessary.

That the Assembly concur in the following amendment, as proposed by Senate bill:

"For refunding to the city of Auburn the amount of the assessment for paving in front of the State armory, thirteen hundred and thirty-six dollars and seven cents; and for building a sewer in front of the State prison at Auburn, and walks in front of the State armory in said city, eleven hundred and nine dollars and sixty-six cents, to be paid on the draft of the mayor of said city.

"For the increase of the zoological and paleontological collections of the State Museum of Natural History, seven hundred and thirty dollars, to be paid under the direction of the Regents of the University.

"For the increase of the law library of the second judicial district and of the law library at Kingston, in the third judicial district, twenty-five hundred dollars each.

"For the special increase of the law library of the eighth judicial district, the sum of twenty-five hundred dollars."

That the Senate recede from the following amendments as proposed in Senate bill:

"For F. B. Carpenter, to procure a suitable frame for his full length portrait of Abraham Lincoln, two hundred dollars, or so much thereof

as shall be necessary, to be paid whenever such portrait shall be accepted by the Lieutenant-Governor and the Speaker of the Assembly."

That the Assembly concur in the following amendments to the bill as proposed by the Senate, and amended so as to read as follows:

"For the Governor, for the purpose of procuring two paintings on panel (wood or metal) of the arms or heraldic device of the State of New York, one to be placed in the State library and the other to be placed at the disposal of the committee on restoration of Independence Hall, Philadelphia, six hundred dollars, or so much thereof as may be necessary.

"For the State prison at Sing Sing, to replace cooper shop and machinery, tools, staves, heading and hoops, lime-shed and lime-storehouse and lime-kiln shed destroyed by fire, fifteen thousand dollars, or so much thereof as shall be necessary."

That the Assembly concur in the following amendments to the bill, as proposed by the Senate:

"For the Adjutant-General, to replace certain property destroyed by fire in the armory at Syracuse on the twenty-fourth of June, eighteen hundred and seventy-three, according to schedule in the hands of the Adjutant-General, the items of which are to be audited by him, the sum of one thousand one hundred and seventy-eight dollars and seventy-eight cents, or so much thereof as may be necessary.

"For the delegation of the Oneida Indians, to pay their expenses while attending the present session of the Legislature to present their claims against the State, the sum of five hundred dollars, to be paid to Jacob Cornelius, Cornelius Hill, Daniel Scannado and Jacob L. W. Doxtater; said amount to be audited by the Comptroller.

"For the trustees of Washington's head-quarters, in pursuance of the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-five, one thousand dollars."

That the Senate recede from the following proposed amendment:

"For repairing a road on the Onondaga Indian reservation and the bridges and sluices thereof, which road is known as 'the stone ledge road,' the sum of five hundred dollars, to be expended under the supervision of Chester Baker, Philander Hoyt and Orrin Thomas, who are hereby appointed commissioners for that purpose, who shall receive no compensation for their services. But no part of the sum hereby appropriated shall be paid over to said commissioners, until they shall have executed a bond to the people of the State of New York, to be approved by the Comptroller, conditioned that they will faithfully discharge their duties as such commissioners, and truly account under oath to the Comptroller for all moneys received by them for the purposes aforesaid."

That the Assembly concur in the following amendments to the bill as proposed by the Senate:

"For the removal of intruders upon the lands of the St. Regis Indians, in Franklin county, two hundred dollars, or so much thereof as shall be necessary.

"For the Regents of the University, for deficiency in appropriation, for expenses, for postage, expressage, five hundred dollars.

"For procuring one hundred photo-plate copies each, of not less than one hundred quarto pages of the drawings prepared for the natural history of the State, one thousand dollars, to be paid under the direction of the Comptroller of the State, or so much thereof as shall be necessary."

That the Senate recede from the following proposed amendment:



“For Verplanck Colvin for expenses of Adirondack survey, for the assistants and draftsmen employed in the preparation of the map of the wilderness, and for contingent expenses of office and field work, eighteen hundred dollars.”

That the Assembly concur in the following amendment to the bill as proposed by the Senate, and which is amended so as to read as follows:

“For inspector-in-chief of steam boilers, for salary for fiscal year ending October first, eighteen hundred and seventy-five, expenses of the office, including pay of assistant, clerk hire, traveling, stationery, printing, apparatus and repairs to the same, to be paid upon bills presented to the Comptroller, properly verified, the sum of two thousand dollars, or so much thereof as may be necessary; and the office of inspector-in-chief of steam boilers is hereby abolished.”

That the Assembly concur in the following amendments as proposed by the Senate:

“The Comptroller is hereby authorized to refund to the county of Albany certain expenses of general terms of the supreme court, held in the city of Albany, to the extent provided in section twelve, chapter four hundred and eight, Laws of eighteen hundred and seventy, upon the production of duly receipted and verified vouchers.

“For the commissioners appointed under resolution of the Legislature, adopted April twenty-ninth, eighteen hundred and seventy-four, relative to the dam on Owasco creek, in the city of Auburn, for services and expenses to be audited by the Comptroller, the sum of seven hundred and two dollars and forty cents, or so much thereof as shall be necessary, and for the expenses of D. M. Green, engineer employed by said commissioners, to be audited by the Comptroller, ninety-seven dollars and twenty cents, or so much thereof as shall be necessary.

“The corporation formed under and pursuant to the authority of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for the purpose of constructing warehouses, docks and wharves for quarantine purposes in the bay of New York, the plans for which and the location of said warehouses, docks and wharves having been recently made and determined by the Governor, State Engineer and Surveyor, and health officer of the port of New York, under and pursuant to chapter seven hundred and sixty of the Laws of eighteen hundred and seventy-three, shall not be deemed dissolved if it shall commence its operation within two years from the passage of this act.

“For the county of Westchester, the sum of fifteen thousand three hundred and forty-four dollars and seventy-five cents, that being the amount claimed to be due said county, pursuant to chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-eight, chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine, chapter seven hundred and four of the laws of eighteen hundred and seventy, and chapter eight hundred and sixty-nine of the laws of eighteen hundred and seventy-one, but which it is claimed has not been drawn, which sum is hereby re-appropriated, and shall be allowed to said county in liquidation and payment of so much of the indebtedness of said county to the State, if, upon investigation, the Comptroller shall ascertain that the same is due said county, and unpaid.

“For the payment of the award to David M. Osborne, John H. Osborne and Orrin H. Burdick, for damages caused by the back flow of

the waters of the Owasco river upon the wheels of their mower and reaper manufactory, from the effects of the State dam at the Auburn prison, as awarded to them by the commissioners appointed by the Governor, as authorized by the 'concurrent resolution relative to the dam on the Owasco river in the city of Auburn,' passed by the Senate on the twenty-first day of April, eighteen hundred and seventy-four, and concurred in by the Assembly on the twenty-ninth day of April, eighteen hundred and seventy-four, the sum of one thousand dollars, with interest thereon from the sixteenth day of December, eighteen hundred and seventy-four.

"For the payment of the award to Edward C. Hall and Orlando Lewis, for damages caused by the back flow of the waters of the Owasco river upon the wheels of their grain mill, from the effects of the State dam at the Auburn prison, as awarded to them by the commissioners appointed by the Governor, as authorized by the 'concurrent resolution relative to the dam on the Owasco river, in the city of Auburn,' passed by the Senate on the twenty-first day of April, eighteen hundred and seventy-four, and concurred in by the Assembly on the twenty-ninth day of April, eighteen hundred and seventy-four, the sum of three hundred dollars, with interest thereon from the sixteenth day of December, eighteen hundred and seventy-four.

"For the salaries and expenses of the commissioners to investigate the affairs of the canals and for the compensation of experts, agents and other assistants employed by them, thirty thousand dollars, or so much thereof as shall be necessary. All examinations of witnesses or parties by or before said commissioners, shall be open and public, whenever such witnesses shall request that such examination shall be publicly conducted. Whenever any person who has performed work or furnished materials to the State upon any of its public works shall be examined as a witness in relation thereto he may, if he desires, be attended by counsel. Whenever, in the opinion of the commission, it shall be necessary for the public good to examine the witnesses separately they may, on the examination of any witness, exclude all other witnesses subpoenaed on the same matter during such examination.

"For the salary of the inspector of public works, and his expenses for clerk hire, compensation of experts and for other incidental matters in the discharge of his duties, twenty thousand dollars, or so much thereof as shall be necessary."

Page 11, line 20, add at the end of line the following "and to renew the same and to make new contracts therefor, from time to time."

That the Assembly concur in the following amendments to the bill proposed by the Senate and amended so as to read as follows (page 12, after line 6):

"The Commissioners of the Land Office shall cause to be laid out into lots of suitable size, and shall sell in accordance with the provisions of statute regulating the sale of State lands by them, the real estate owned by the State in the town of Middletown, Richmond county, now occupied by the board of trustees of the Seamen's Fund and Retreat, excepting that portion thereof now occupied by the Mariner's Family Association, and shall pay over to the Comptroller of the State the funds derived therefrom, who shall henceforth be the trustee of said funds; and after paying therefrom the mortgage now upon said property, shall invest the residue thereof and hold the same as a sacred trust fund, and one-tenth of the income therefrom he shall pay over annually to the



institution known as the Mariner's Family Industrial Society of the Port of New York, or the Mariner's Family Association for the support of the inmates of the asylum connected therewith, so long as the said society continues to fulfill the laws under which it was created. The residue of said income of said trust fund shall be by the Comptroller annually paid and applied to the support, care and maintenance of seamen now in the hospital connected with said Seamen's Retreat, and of all who may hereafter be entitled to be cared for under the laws establishing and regulating said institution. The trustees of the Seamen's Fund and Retreat are hereby superseded by the Commissioners of Quarantine and the Health Officer of the port of New York, who shall, subject to the provisions of this act, possess all the powers, and be subject to all the duties of said trustees, and shall render to the Comptroller vouchers for all expenditures which shall be subject to the audit and approval of said Comptroller. The Health Officer shall, with the approval of the Governor, designate the hospital or place to which the present inmates of the Seamen's Retreat Hospital shall be removed, and where all those who may be hereafter entitled to be cared for under the provisions of this act shall be received, and shall cause the present inmates of said Seamen's Retreat Hospital, and also all the personal property, goods and chattels connected therewith, to be removed thereto as soon as practicable after the passage of this act.

"For the Mariners' Family Industrial Society of the port of New York for repairs of building, to be expended under the direction of the Health Officer and Commissioners of Quarantine, twenty-five hundred dollars."

The Assembly concur in the amendment of the Senate to the item in relation to the Willard Asylum on page 12, amended as follows:

Strike out the whole of said item and insert in lieu thereof the following:

"For the Willard Asylum for the Insane, for water, gas, steam-pipes, and fitting and putting in the same, for a steward's house; to reimburse subsistence account for advances made from that account for completing docks, piers and breakwater, for land for a cemetery and pasturage and meadow, and securing water-course and enlarging reservoir, and to pay for pumps purchased; for grading, ditching and fences on asylum farm, and for the general repair and improvement of the asylum buildings and grounds and contingent expenses, fifty-six thousand dollars. To finish a new group of buildings sufficient to accommodate two hundred additional patients, one hundred thousand dollars, or so much thereof as may be necessary, to be certified by the building superintendent of the asylum."

That the Assembly concur in the following amendments to the bill as proposed by the Senate:

Page 18, line 12, strike out the words "are hereby" and insert the words "may be."

After line 33, same page, insert the following:

"For the establishment of a female department of the Western House of Refuge for Juvenile Delinquents, as provided by chapter 228 of the Laws of 1875, the sum of seventy-five thousand dollars."

That the Assembly concur in *that portion* of the Senate amendments in relation to the Elmira Reformatory, striking out line 34 and line 35 down to and including the word "dollars," and inserting in lieu thereof the Senate amendment, amended so as to read as follows:

**"For the State Reformatory at Elmira, one hundred thousand dollars. The salary of the superintendent for the construction of the said reformatory shall be three thousand five hundred dollars per year. The percentages retained and due former contractors, with interest, shall be paid by the Comptroller out of the appropriations for said reformatory."**

**That the Assembly concur in the following amendments to the bill as proposed by the Senate:**

**After line 11, page 14, insert the following:**

**"For the Hudson River State Hospital for the Insane, at Poughkeepsie, for finishing the new section, thirty thousand dollars; for extending the heating and gas apparatus of the new section, twelve thousand dollars; for enlarging the kitchen, three thousand dollars; for furniture, beds and bedding, making the section ready for reception of two hundred additional patients, five thousand dollars."**

**Strike out lines 12 to 23 inclusive, same page, and insert in lieu thereof the following:**

**"For the State Homœopathic Asylum for the Insane, at Middletown, for gas, plumbing, heating and ventilating apparatus for pavilion number one, including two new boilers, with connections and setting, the sum of twenty-five thousand five hundred dollars in addition to the amount now in the treasury to the credit of said asylum, after payment of the debts of said asylum, as hereinafter provided; for furniture for pavilion number one, fifteen thousand dollars; for iron window sashes, seven thousand seven hundred dollars; for locks and hinges, one thousand six hundred dollars; for contractors on contract for pavilion number one, to be paid as the work progresses, thirty-nine thousand dollars; for corridor to join buildings, five thousand five hundred dollars; for architect's commission, for past services, up to the time of the passage of this act, two thousand five hundred dollars, or so much thereof as may be necessary to pay for the services of the architect up to the time of the passage of this act; the duties of an architect, for such asylum shall hereafter be performed by the superintendent thereof, to be appointed by the Governor, under and in pursuance of chapter of the Laws of eighteen hundred and seventy-five; for farm stock, tools, fencing and grading, three thousand five hundred dollars; for maintenance, ten thousand dollars; for officers' salaries, five thousand dollars; for legal expenses in Foote suit, fifteen hundred dollars; for railway switch and coal bins, two thousand dollars; for water supply, two thousand dollars; for laundry, engine and wash machines, three thousand dollars. The number of trustees of said asylum shall be hereafter thirteen, and Fletcher Harper, junior, Egbert Guernsey of New York; Grinnell Burt, of Warwick; Joshua Draper, Nathaniel W. Vail, Uzal T. Hayes, James B. Hulse, James H. Norton, Moses D. Stivers, of Middletown; James G. Graham, of Newburgh; Daniel Thompson, of Thompson Ridge; H. M. Paine, of Albany; and William H. Watson, of Utica, shall be and are hereby constituted said board of trustees. At the first meeting of said trustees, they shall draw lots in order to divide themselves, as near as may be, into three equal classes; one class of five shall hold office for two years; one class of four shall hold office for four years; and one class of four shall hold office for six years; and whenever any vacancies shall exist in said board, by death, resignation, refusal to serve, removal, or by expiration of term, the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint proper persons to fill such vacancies, for the balance of an unex-**

pired term ; but when for a vacancy, occasioned by the expiration of a term, then for six years."

"The Comptroller is hereby authorized and directed to pay the debts of said asylum out of the appropriations made under chapters three hundred and twenty-three and four hundred and fifty-two of the laws of eighteen hundred and seventy-four, and if any balance remain, the same shall be paid over for the purposes hereinbefore designated."

After line 23, page 14, insert the following :

"For the Bank Department five thousand dollars, to pay the expenses of regular examinations of savings banks, the same to be refunded to the Treasurer by the savings banks, in pursuance of an act entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,' passed May                      eighteen hundred and seventy-five."

That the Assembly concur in the following amendment, as proposed by the Senate, and amended so as to read as follows :

Page 16, strike out lines 1, 2 and 3, and insert in lieu thereof the following :

"For the Buffalo State Asylum for the Insane, to be expended only for the completion of the buildings already commenced, and for improving the grounds of said asylum, one hundred and fifty thousand dollars."

"The following paragraph of chapter seven hundred and thirty-three of the laws of eighteen hundred and seventy-two, in relation to the Buffalo Asylum for the Insane, which reads: 'And the following-named persons are hereby appointed managers thereof, in addition to those heretofore appointed, Silas H. Fish, Joseph Churchyard, Robert G. Stewart, Orlando Allen, Philip Houck, Alonzo Tanner, and Merrit H. Brooks, whose respective terms of office shall be and continue for five years,' is hereby repealed."

Page 16, strike out lines 6 to 24, inclusive, and insert in lieu thereof the following paragraph :

"The Board of Commissioners of Quarantine are hereby authorized and required to select and procure a new burying ground as near to the West Bank hospital as practicable, and on the approval by the Governor of such selection, and of the price to be paid therefor, not to exceed the appraised value of the burying-ground at Seguin's Point as hereinafter provided, may purchase the same, and transfer thereto the remains of all persons buried in the burying ground at Seguin's Point, but such site shall not be located within the limits of Kings, Queens or Suffolk counties; as soon as such selection and transfer shall be made, they shall certify that fact to the Commissioners of the Land Office, who are hereby directed, in advance of such purchase, to cause an appraisal of the value of said burying ground at Seguin's Point to be made, and thereafter to sell and dispose of the same at public auction to the highest bidder, in the same manner as they are now authorized by law to sell other State lands, and as soon as such purchase is made such transfer of bodies shall take place."

That the Assembly concur in the following amendment to the bill as proposed by the Senate :

"For the city of Binghamton, payable from the United States deposit fund, and to be applied as a portion of the common school fund apportioned to said city for the years eighteen hundred and seventy-

three and eighteen hundred and seventy-four, such sum as may be found due said city, but not exceeding the sum of sixteen hundred dollars."

That the Assembly concur in the following amendment to the bill as proposed by the Senate, and amended so as to read as follows:

After the words "Sing Sing," line 5, page 17, insert the following:

"The Comptroller is hereby authorized to pay to Wheeler H. Bristol the amount that shall have been audited by the Lieutenant-Governor and Attorney-General, pursuant to chapter 299 of the Laws of 1875, and the sum of nine thousand one hundred and fifty-nine dollars and seventy-five cents, or so much thereof as may be necessary, is hereby appropriated for that purpose."

That the Senate recede from the following amendment to the bill as proposed by the Senate:

Page 14, strike out lines 6 to 17, inclusive.

That the Assembly concur in the following amendment to the bill as proposed by the Senate:

Page 17, strike out line 16.

Same page, strike out lines 26 to 35 and line 1, page 18, inclusive, and insert in lieu thereof, the following:

**" COLLEGE LAND SCRIP FUND REVENUE.**

"For the Cornell University, six thousand dollars.

**" PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.**

"For the redemption of that portion of the general fund State debt reimbursable July first, eighteen hundred and seventy-five, nine hundred thousand dollars; and to provide the coin for the redemption of the said State debt, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

**" PAYABLE FROM THE CANAL FUND.**

"For deficiency in the appropriation for clerk hire in the office of the Auditor of the Canal Department, the sum of fifteen hundred dollars."

That the Assembly concur in the following amendment to the bill as proposed by the Senate, amended so as to read as follows (after "dollars" in the foregoing paragraph):

"For the Auditor, to make his compensation equal to that of last year, the sum of seven hundred and fifty dollars."

Page 18, strike out all after line 9 down to and including line 32, and insert in lieu thereof the following:

"The Comptroller shall not make any payment under the provisions of this act to or for the benefit of any asylum or reformatory, for the purpose of erecting new buildings, or making other permanent improvements, unless any new plans and estimates therefor shall be first presented to and approved by the Lieutenant-Governor, Comptroller and Attorney-General in writing; and in determining whether they will approve such plans for the expenditure of the appropriations in this chapter provided for said asylums and reformatories, they shall require that they shall provide for plain, substantial work, that will involve the least possible expense consistent with proper provisions for the treatment, comfort, protection and safe-keeping of the inmates of such asylums and reformatories, and with a view of securing the most careful and economical expenditure of all moneys devoted to asylums or reformatories by this act; which said plans, after they shall have been thus approved, shall

not be altered without such alterations being first approved, in writing, by the Lieutenant-Governor, Comptroller and Attorney-General."

And your committee do further report that they have been unable to agree upon the Senate amendment, inserting after the word "employed," line 31, page 14, the words "or that may be used and employed," and to the striking out from and including line 32, same page, to and including line 17, page 15, and inserting in lieu thereof the following :

"The Superintendent of the New Capitol is hereby authorized and directed to audit or settle any outstanding obligations for rent, labor or materials done or furnished by order of the Board of New Capitol Commissioners, heretofore existing, subject to the concurrent approval in writing of the Commissioners of the New Capitol hereinafter named, and in such audit and settlement any claims, over payments or equitable offsets the State may have to any such obligations shall be deducted therefrom, and the amount allowed and approved by the commissioners, as aforesaid, shall be paid by the Comptroller out of this appropriation, with such interest as shall be allowed and approved by said commissioners aforesaid.

"The board of New Capitol Commissioners, as heretofore constituted, is hereby abolished, and the powers and duties of said board are hereby devolved upon the Lieutenant-Governor, Comptroller and Attorney-General of the State, who shall hereafter constitute the new capitol commission.

"Before any portion exceeding fifty thousand dollars of the sum by this act appropriated for the construction of said new capitol shall be expended, full detail plans and specifications of the story of said building containing the legislative halls thereof shall be made and approved, in writing, by said Lieutenant-Governor, Comptroller and Attorney-General, and not more than one-half of the said appropriation shall be expended before full detailed plans and specifications of the whole of the remainder of said building shall be made and approved, in writing, by the said Lieutenant-Governor, Comptroller and Attorney-General, and when so approved they shall not be altered or departed from except by the concurrent written consent and approval of said Lieutenant-Governor, Comptroller and Attorney-General, which said consent and approval shall be indorsed upon a plan accompanied by specifications, which shall fully and distinctly state the extent of such alteration, and the manner and extent the expense of said building will be affected by such alteration.

"The furnishing of all the materials shall be by contract, or contracts; and the doing of all the work shall be by contract, or contracts, except such portions thereof as in the concurrent opinion of said commissioners the interests of the State require to be done by day's work.

"All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the superintendent in the State paper once in each week for four weeks consecutively, immediately preceding the letting of said contract, the notice of letting to be signed by the superintendent, shall state the work to be let, the quality, quantity and kind of materials to be bid for, and the length of time which will be given for the completion of the work, or the delivery of materials, the amount of security required, the bonds to be furnished for the faithful performance of the contract. The proposals received shall be exhibited to the said Lieutenant-Governor, Comptroller and Attorney-General, together with the proposed contract, which on their concurrent



written approval indorsed thereon shall be entered into on the part of the State by said superintendent.

"The said contracts shall each reserve the right to the said superintendent, with the concurrence of the said commissioners to declare the same forfeited whenever in the judgment of said superintendent and commissioners said contract is not being performed for the interest of the State."

And that they have also been unable to agree upon that portion of the Senate amendment in relation to the Elmira Reformatory, striking out all after the word "dollars" in line 35, page 13, down to and including line 11, page 14, which reads as follows: "And from and after the passage of this act, the construction and completion of said reformatory shall be under the direction and supervision of a building commission appointed under the provisions of chapter six hundred of the Laws of eighteen hundred and seventy-three, entitled 'An act relating to the building commissioners for the erection of the State Reformatory at Elmira, Chemung county.'"

All of which is respectfully submitted.

D. P. WOOD,  
S. S. LOWERY,  
JOHN C. JACOBS,  
*Senate Committee.*

S. H. HAMMOND,  
F. W. VOSBURGH,  
JAMES W. HUSTED,  
T. G. ALVORD,  
*Assembly Committee.*

Mr. Hammond moved to agree to said report, and that the request of the Senate for a committee of conference be granted.

Mr. T. C. Campbell moved that the House dissent from so much of said report as reads as follows:

"The Commissioners of the Land Office shall cause to be laid out into lots of suitable size, and shall sell in accordance with the provisions of statute regulating the sale of State lands by them, the real estate owned by the State in the town of Middletown, Richmond county, now occupied by the board of trustees of the Seamen's Fund and Retreat, excepting that portion thereof now occupied by the Mariner's Family Association, and shall pay over to the Comptroller of the State the funds derived therefrom, who shall henceforth be the trustee of said funds; and after paying therefrom the mortgage now upon said property, shall invest the residue thereof and hold the same as a sacred trust fund, and one-tenth of the income therefrom he shall pay over annually to the institution known as the Mariner's Family Industrial Society of the port of New York, or the Mariner's Family Association, for the support of the inmates of the asylum connected therewith, so long as the said society continues to fulfill the laws under which it was created. The residue of said income of said trust fund shall be by the Comptroller annually paid and applied to the support, care and maintenance of seamen now in the hospital connected with said Seamen's Retreat, and of all who may hereafter be entitled to be cared for under the laws establishing and regulating said institution. The trustees of the Seamen's Fund and Retreat are hereby superseded by the Commissioners of Quarantine and the Health Officer of the port of New York, who shall, subject to the provisions of this act, possess all the powers and be subject to all the duties of said trustees, and shall render to the Comptroller vouchers for all expenditures which shall be subject to the audit and approval of said Comptroller. The health officer

shall, with the approval of the Governor, designate the hospital or place to which the present inmates of the Seamen's Retreat hospital shall be removed, and where all those who may be hereafter entitled to be cared for under the provisions of this act shall be received, and shall cause the present inmates of said Seamen's Retreat hospital, and also all the personal property, goods and chattels connected therewith to be removed thereto as soon as practicable after the passage of this act."

Debate was had thereon, when

Mr. Daly moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hammond, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 104 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Edson	Kirk	Schuyler
Barkley	Ely	Krack	Scudder
Beardsley	Farrar	Kshinka	Seward
Benedict	Faulkner	Law	Shattuck
Bennett	Fay	Lawrence	Sherman
Berry	Fish	Lewis	Sherwood
Bishop	Friend	Lillybridge	Shiel
Bordwell	Gallagher	Lincoln	Silverman
Bowen	Gedney	Mackin	Slingerland
Braman	Green	McGowan	Smith
Broas	Griffin	McGroarty	Speaker
Brogan	Hammond	Merwin	Stauf
Brown	Hanrahan	J. W. Miller	Struble
Burtis	Hauschel	Muller	G. Taylor
Calkins	Hess	O'Keefe	W. F. Taylor
T. C. Campbell	Hinckley	Page	Tewksbury
Clark	Hogan	Peck	Tremain
Cleary	Holmes	Petty	Vosburgh
Coffey	Houghton	Pope	Waehner
Cole	Hussey	Ransom	Wellington
Comstock	Husted	Reilly	Wenzel
Cooke	Ives	Rich	West
Costigan	W. Johnson	Russell	Whitmore
Daly	W. A. Johnson	Sanford	Willis
Decker	Keenan	Schenck	Witbeck
Dessar	Kennaday	Schieffelin	Wurts

Those who voted in the negative, were

T. J. Campbell    Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference



thereon, except that portion relating to the Seamen's Fund and Retreat and assent to a committee of conference.

On motion of Mr. Husted, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled "An act to provide ways and means for the support of government," and the same ordered to a third reading.

Said bill being announced for a third reading,

On motion of Mr. Hammond, and by unanimous consent, said bill was amended as follows:

Line 18, section 1, insert after the word "find" the words "asylum and reformatories and other contingent expenses." Strike out the word "three" and insert the word "five." Strike out lines 23 and 24.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Gallagher	Lewis	Sherman
Barkley	Green	Lillybridge	Shiel
Beardsley	Griffin	Lincoln	Silverman
Benedict	Hammond	Mackin	Slingerland
Bennett	Hanrahan	McGowan	Smith
Berry	Hauschel	McGroarty	Speaker
Bishop	Hess	Merwin	Stauf
Bordwell	Hinckley	Muller	Stephens
Braman	Hogan	Oakley	Struble
Broas	Holmes	O'Keefe	G. Taylor
Calkins	Houghton	Page	W. F. Taylor
T. C. Campbell	Hussey	Peck	Tewksbury
T. J. Campbell	Husted	Petty	Tremain
Clark	Ives	Pope	Vosburgh
Coffey	W. Johnson	Ransom	Waehner
Comstock	W. A. Johnson	Reilly	Wellington
Cooke	Keenan	Rich	Wenzel
Daly	Kennaday	Russell	West
Decker	Kirk	Sanford	Whitmore
Farrar	Krack	Schenck	Willis
Faulkner	Kshinka	Schieffelin	Witbeck
Fay	Law	Seward	Wurts
Friend	Lawrence	Shattuck	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Speaker appointed as a committee of conference on that portion of the supply bill disagreed to, Messrs. Hammond, Vosburgh, Waehner, Alvord and Hess.

Mr. Alvord moved that this House do now adjourn until to-morrow morning at 10½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Thereupon, at 6 o'clock and 55 minutes, the House adjourned.

WEDNESDAY, MAY 19, 1875.

The House met pursuant to adjournment.

Prayer by the Rev. C. P. McCarthy.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bills entitled as follows:

"An act to confirm and legalize the acts of Deliverance Rogers, as notary public of the county of Washington, since March thirtieth, in the year of our Lord 1875."

"An act in regard to the boundary monuments of the State."

"An act to release to the heirs-at-law and devisees of William Moffat, late of Syracuse, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Syracuse."

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes.'"

"An act to amend chapter 495 of the Laws of 1874, entitled 'An act in relation to certain assessments for sewers in the city of Brooklyn.'"

"An act to exempt property, real and personal, of the Society of the New York Hospital from taxation."

"An act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April 19, 1871."

"An act to amend chapter 426 of the Laws of 1867, entitled 'An act to amend chapter 600 of the Laws of 1865, passed April 28, 1865, entitled An act to amend an act entitled An act in relation to the compensation of the several officers of State prisons,' passed April 23, 1864."

"An act to authorize the formation of corporations for the safe keeping and guarantying of personal property."

"An act in relation to the estate of the infant children and heirs-at-law of Martha West Yale, deceased."

"An act authorizing the appointment of Centennial Commissioners."

"An act to amend chapter 219 of the Laws of 1871, entitled 'An act to provide redress for words imputing unchastity to a female,' passed March 29, 1871."

"An act authorizing the city of Buffalo to take certain lands for a public park and to provide for the payment thereof."

"An act supplementary to an act entitled 'An act to incorporate the Manhattan Loan and Trust Company of the city of New York,' passed June 26, 1873."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of the reconsideration of the vote on the final passage of the bills recalled from the Governor hereinafter named, and of the passage of the same as amended by the Assembly:

"An act to provide houses of detention in the several counties in this State for the safe keeping and proper care of women and children

charged with offenses and held for trial, and also for the detention of all persons held as witnesses."

"An act to amend chapter 546 of the Laws of 1872, entitled 'An act to incorporate the Mechanicville Bridge Company for the purpose of constructing a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke.'"

"An act to authorize the court of oyer and terminer and court of sessions of the county of Kings to sentence prisoners convicted in said courts of any offense to the penitentiary of said county for any term for which they might be sentenced to a State prison."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the following resolution:

*Resolved* (if the Senate concur), That there be printed and bound in cloth for the use of this Legislature, by the legislative printer, 5,000 copies of the Report on the Topographical Survey of the Adirondack Wilderness, sent to the Legislature of 1874; and the expense thereof, not to exceed one dollar and fifty cents per copy, to be paid out of the appropriation for legislative printing.

A message from the Senate was received and read, informing of agreement to the report of a committee of conference in the words following:

The committee of conference appointed by the Senate and Assembly, to which was referred the matters in difference between the two Houses relative to the Assembly bill entitled "An act to regulate pilotage for the port of New York," having met and duly considered the same, have agreed to recommend as follows: That the Senate recede from its amendments.

JOHN W. COE,  
JOHN A. KING,  
W. H. ROBERTSON,  
*Senate Committee.*

T. J. CAMPBELL,  
*For Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act in relation to the county treasurer of the counties of Monroe, Seneca, Ontario, Yates, Westchester, Rockland, Putnam, Dutchess and Columbia," with a message informing of agreement to the report of the committee of conference thereon as amended by the Assembly.

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Oakley, from the committee on insurance, to which was referred the Senate bill, Int. No. 240, entitled "An act to regulate investments by insurance companies," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Kennaday, and by unanimous consent,

*Resolved*, That the Clerk have prepared, properly classified, and under appropriate headings, for the use of the Legislature, an index to all bills printed from 1870 up to and including the year 1875, and that 500 copies be printed and bound under his direction and placed in the libraries for future reference.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act supplementary to chapter 332 of the Laws of 1868, passed April 27, 1868, relating to the Hudson Highland Suspension Bridge Company, and of the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered to a third reading.

"An act to repeal chapter 479 of the Laws of 1874, entitled 'An act to authorize the construction and use of a railroad in the city of Brooklyn and county of Kings, and the towns of Newtown and Jamaica, in the county of Queens,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Worth, and by unanimous consent, said bill was ordered to a third reading.

Mr. Brogan, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide ways and means for the support of government."

Mr. Friend, from the committee on public printing, to which was referred the joint resolution relative to printing 1,000 copies of the report of the Commissioners of Fisheries, reported in favor of the passage of the same, with amendments, in the words following:

*Resolved* (if the Assembly concur), That 1,000 copies of the report of the Commissioners of Fisheries of the State of New York be printed for the use of the Commissioners, and 1,000 copies for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 68 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cooke	W. Johnson	Pierson
Barrow	Costigan	W. A. Johnson	Pope
Beardsley	Daggett	Kennaday	Roscoe
Benedict	Daly	Kirk	Russell
Berry	Decker	Krack	Scudder
Bishop	Farrar	Kshinka	Seward
Bordwell	Fish	Lawrence	Sherman
Bowen	Friend	Lawson	Sherwood
Braman	Green	Lewis	Silverman
Broas	Griffin	Lincoln	Stephens
Brogan	Hanrahan	McGroarty	G. Taylor
Calkins	Hess	J. W. Miller	W. F. Taylor
T. C. Campbell	Hogan	Muller	Vedder
T. J. Campbell	Houghton	Oakley	Wellington
Clark	Hussey	O'Keefe	Willis
Cleary	Husted	Page	Witbeck
Comstock	Ives	Petty	Wurts

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Waehner, from the committee on the judiciary, to which was

referred the bill introduced by Mr. Dessar, Int. No. 848, entitled "An act to amend the Code of Procedure," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Oakley, Int. No. 211, entitled "An act in relation to the summoning of jurors for circuit courts and courts of oyer and terminer, county courts and courts of sessions," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Gedney, Int. No. 410, entitled "An act to change the time of holding the annual election for trustees of the Camp Meeting Association in the city of New York, and to extend the term of office of the present trustees," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Holmes, Int. No. 443, entitled "An act in relation to general terms of the supreme court in the sixth judicial district," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. G. Taylor, Int. No. 1011, entitled "An act relating to justices of the peace in cities," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Law, Int. No. 401, entitled "An act to incorporate the United Presbyterian Synod of New York," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Stephens, Int. No. 797, entitled "An act to amend chapter 497 of the Laws of 1870, entitled 'An act to establish a police force in the county of Richmond,'" reported adversely thereto.

Mr. Stephens moved to disagree with said report, and that said bill be referred to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Vosburgh, Int. No. 823, entitled "An act to amend an act entitled 'An act in relation to the salary of the supervisors of Albany county,' passed May 3, 1871," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Cleary, Int. No. 245, entitled "An act to amend an act entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York, and the city of Brooklyn, and to repeal chapter 572 of the Laws of 1871, entitled An act to amend an act entitled An act in relation to elections in the city and county of New York,' passed May 7, 1872," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Waehner, Int. No. 611, entitled "An act to change the name of the American Craniological Museum," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Lewis, Int. No. 1017, entitled "An act to amend chapter 1, title 2, part 4 of the Revised Statutes," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Friend, Int. No. 1034, entitled "An act to amend chapter 807 of the Laws of 1873, concerning notaries public," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Fish, Int. No. 1077, entitled "An act to amend an act entitled 'An act to provide for enforcing of liens of innkeepers, boarding-house keepers, mechanics, workmen or bailees, upon chattel property,' passed May 8, 1869," reported adversely thereto, which report was agreed to.

Mr. Waehner, from the committee on the judiciary, to which was referred the bill introduced by Mr. Dessar, Int. No. 1057, entitled "An act concerning the levy and sale of bills, drafts, notes or bank checks upon execution," reported adversely thereto, which report was agreed to.

Mr. Stephens, from the committee on affairs of villages, to which was recommitted the bill introduced by Mr. Shiel, Int. No. 716, entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon, in the county of Westchester," reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Beardsley, Int. No. 1108, entitled "An act to amend an act entitled 'An act to incorporate the village of Montezuma,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Stephens, from the committee on affairs of villages, to which was recommitted the bill entitled "An act to amend an act to incorporate the village of Port Jervis, passed March 30, 1866, passed May 1, 1873," retaining its place on the calendar of third reading of bills, reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the board of trustees of the village of Port Jervis, in the county of Orange, to hold a special election for the purpose of voting to raise money by tax for 1875," which report was agreed to, and said bill replaced on the calendar of third reading of bills.

On motion of Mr. Vedder, and by unanimous consent, the sub-committee of the whole was discharged from the further consideration of the bill entitled "An act in relation to corporations transacting business in other States," and the same ordered to a third reading.

Mr. Friend, from the committee on public printing, to which was referred the resolution relative to printing 7,000 copies of the Governor's message on the affairs of cities, recently communicated to the Legislature, reported in favor of the passage of the same, with amendments, in the words following:

*Resolved* (if the Senate concur), That 2,500 copies of the Governor's Message on the affairs of cities, recently communicated to the Legislature, be printed; one-half for the use of the Executive, and the remainder for the use of the Legislature.



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Prince, and by unanimous consent,

*Resolved*, That 1,000 extra copies of the report of the ways and means committee of 1874, on assessment and taxation, being Assembly document No. 112, be printed for the use of the Assembly.

On motion of Mr. Husted, and by unanimous consent,

*Resolved* (if the Senate concur), That the Governor be and hereby is authorized to confer on any officer of the National Guard of the State of New York below the rank of colonel, who shall have been ten years a member thereof, seven of which have been of service as a commissioned officer, a brevet commission corresponding in rank to the grade next above the one actually held by said officer at the time of conferring such brevet commission; such brevet rank shall be honorary and shall not entitle the person holding the same to precedence on command, except by special assignment of commander-in-chief. Recommendations for promotion to such brevet ranks shall be made by the brigadier-generals for the officers of their respective brigades, indorsed by the commandant of their division, except in the case of a separate troop, battery or company attached to a division which shall be made by the division commander.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York City Sunday School (church extension) and Missionary Society of the Methodist Episcopal Church,' passed April 14, 1866, amended March 14, 1871, again amended May 13, 1872."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Brogan, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to corporations transacting business in other States."

"An act to provide for the improvement of Thirty-ninth street in the city of Brooklyn."

Mr. McGroarty offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the Clerk of the Assembly be and hereby is directed to engage suitable persons to improve the ventilation of the Assembly chamber, also to make such repairs in the heating apparatus as may be required; the entire expense not to exceed twenty-five hundred dollars.

Mr. Waehner moved to refer said resolution to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Houghton moved to reconsider the vote just taken.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative.



**{ AYES 62 }**  
**{ NOES 44 }**

**Those who voted in the affirmative, were**

Beardsley	Comstock	Kshinka	Seward
Bennett	Costigan	Law	Shattuck
Bordwell	Daly	Lawrence	Sherman
Bowen	Davis	Lawson	Shiel
Bradley	Dessar	Lillybridge	Silverman
Broas	Edson	McGowan	Smith
Brogan	Fay	McGroarty	Stauf
Brown	Friend	Muller	Stephens
Burtis	Gallagher	Page	G. Taylor
Calkins	Green	Pope	W. F. Taylor
T. C. Campbell	Hanrahan	Prince	Tewksbury
T. J. Campbell	Hanschel	Ransom	West
Clark	Hinckley	Reilly	Witbeck
Cleary	Houghton	Russell	Worth
Coffey	Keenan	Schieffelin	Wurts
Cole	Krack		

**Those who voted in the negative, were**

Alvord	Faulkner	W. Johnson	Roscoe
Barkley	Fish	W. A. Johnson	Schenck
Barrow	Gedney	Kennaday	Schuyler
Benedict	Griffin	Lewis	Scudder
Berry	Hammond	Lincoln	Sherwood
Bishop	Hess	J. W. Miller	Speaker
Cooks	Hogan	O'Keefe	Strable
Daggett	Holmes	Peck	Wachner
Decker	Hussey	Petty	Wellington
Ely	Husted	Pierson	Wenzel
Farrar	Ives	Rich	Willis

Mr. Speaker then put the question whether the House would agree to refer said resolution to the committee on ways and means, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

**{ AYES 66 }**  
**{ NOES 36 }**

**Those who voted in the affirmative, were**

Beardsley	Costigan	Krack	Schieffelin
Bennett	Daly	Kshinka	Seward
Bordwell	Davis	Law	Shattuck
Bowen	Dessar	Lawrence	Sherman
Bradley	Edson	Lawson	Smith
Braman	Fay	Lillybridge	Stauf
Broas	Fish	McGroarty	Stephens
Brogan	Friend	Muller	G. Taylor
Brown	Gallagher	Oakley	W. F. Taylor
Burtis	Green	O'Keefe	Tewksbury

Calkins	Hanrahan	Page	Vosburgh
T. C. Campbell	Hauschel	Pope	West
T. J. Campbell	Hinckley	Prince	Whitmore
Clark	Houghton	Ransom	Witbeck
Cleary	Keenan	Reilly	Worth
Coffey	Kennaday	Russell	Wurts
Cole	Kirk		

Those who voted in the negative, were

Alvord	Faulkner	W. Johnson	Schuyler
Barkley	Gedney	W. A. Johnson	Scudder
Benedict	Griffin	Lewis	Sherwood
Berry	Hammond	Lincoln	Speaker
Bishop	Hess	McGowan	Struble
Cooke	Hogan	Petty	Waehner
Daggett	Hussey	Pierson	Wellington
Decker	Husted	Roscoe	Wenzel
Ely	Ives	Schenck	Willis

Mr. Waehner, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Cole, Int. No. 438, entitled "An act in relation to the expenses of contested seats in the Legislature of this State," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Waehner, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

Mr. Faulkner moved to adjourn until to-morrow morning.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Prince moved to lay all orders of business on the table for the purpose of introducing a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 56 }  
{ NOES 9 }

Those who voted in the affirmative, were

Alvord	Decker	Kennaday	Seward
Benedict	Edson	Krack	Sherman
Berry	Fay	Kshinka	Sherwood
Bishop	Gallagher	Lawrence	Speaker
Bordwell	Green	Lawson	Stauf
Bowen	Griffin	Lewis	Stephens
Broas	Hess	Lillybridge	W. F. Taylor
Burtis	Hinckley	Lincoln	Waehner
Calkins	Holmes	Muller	Wenzel
T. J. Campbell	Hussey	Peck	West
Clark	Husted	Petty	Whitmore
Cleary	Ives	Prince	Willis
Daggett	W. Johnson	Schieffelin	Witbeck
Daly	Keenan	Schuyler	Worth

Those who voted in the negative, were

Brogan	Hauschel	McGowan	O'Keefe
T. C. Campbell	Kirk	Oakley	Wurts
Costigan			

Mr. Prince offered for the consideration of the House a resolution, in the words following:

*Resolved*, That the committee of the whole be discharged from the further consideration of Senate bill No. 24, entitled "An act relating to the court of arbitration of the Chamber of Commerce of the State of New York," and that the same be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. T. J. Campbell moved to lay the present order of business on the table for the purpose of introducing a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 43 }  
{ NOES 50 }

Those who voted in the affirmative, were

Bradley	Dessar	W. Johnson	Roscoe
Burtis	Edson	Kennaday	Schieffelin
Calkins	Fay	Kirk	Scudder
T. C. Campbell	Gedney	McGowan	Shiel
T. J. Campbell	Hauschel	McGroarty	Speaker
Cleary	Hess	Muller	Stauf
Cooke	Hinckley	Oakley	W. F. Taylor
Costigan	Hogan	O'Keefe	Tewksbury
Daggett	Holmes	Page	Wellington
Daly	Houghton	Petty	Worth
Davis	Ives	Prince	

Those who voted in the negative, were

Alvord	Ely	Lewis	Seward
Barkley	Farrar	Lillybridge	Shattuck
Barrow	Fish	J. W. Miller	Sherman
Benedict	Friend	Peck	Struble
Bishop	Gallagher	Pierson	G. Taylor
Bordwell	Green	Pope	Vedder
Bowen	Griffin	Ransom	Wenzel
Braman	Hussey	Reilly	West
Brogan	W. A. Johnson	Rich	Whitmore
Clark	Krack	Russell	Witbeck
Coffey	Law	Schenck	Wurts
Cole	Lawrence	Schuyler	Yost
Decker	Lawson		

By unanimous consent, Mr. T. C. Campbell offered for the consideration of the House a resolution, in the words following:

*Whereas*, The steady and rapid increase of crime in the city and county of New York has created great alarm in the minds of all good citizens of that city; and

*Whereas*, The proper authorities charged with its apprehension, prosecution and punishment appear to be inadequate to its speedy suppression, while the interest of good government require that all offenses against the laws should be dealt with in the most summary and decisive manner; therefore,

*Resolved*, That the Speaker of the Assembly be and he is hereby authorized to appoint a select committee of five, which committee shall have power to send for persons and papers, and compel the attendance of witnesses, and inquire into the causes, as far as possible, of the great increase of crime in said city and county by making such examination and investigation of all persons and officers, books and papers in said city and county that may in any way be connected with the prosecution, suppression and punishment of crime, that the said committee may deem essential and necessary for the purpose of ascertaining if such increase of crime can be charged to the negligence or connivance of any of the public officers whose duty it is to either arrest, detect, prosecute or punish crime in said city and county, together with such other matters as said committee shall deem best for the public good. Said committee is hereby authorized to sit during the recess of the Legislature, and report the result of their investigation together with such recommendations in relation thereto as they may deem necessary and important for the preservation of law and order in said city and county to the next Legislature; and said committee is authorized to employ a stenographer, who shall be clerk of the committee, and a messenger.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. W. Johnson, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Bradley, printed No. 324, entitled "An act to prevent and punish persons trespassing upon private lands by landing any vessel, boat, scow or other craft upon or along the shores of Seneca lake," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

On motion of Mr. Schuyler, and by unanimous consent,

*Resolved*, That the librarian and assistant of the Assembly be authorized and directed to remain over after the final adjournment of the Legislature (provided, however, that the time shall not exceed two weeks) for the purpose of securing the return of volumes now in the hands of members or other persons, arranging the books upon the shelves, and placing the entire library in order.

Mr. Hammond moved to reconsider the vote by which the bill entitled "An act to provide ways and means for the support of government," was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Law	Sherman
Barrow	Faulkner	Lewis	Shiel
Beardsley	Fish	Lincoln	Silverman
Benedict	Friend	Mackin	Smith
Berry	Gedney	McGowan	Speaker
Bordwell	Griffin	McGroarty	Stephens
Bowen	Hammond	J. W. Miller	Talmage
Bradley	Hanrahan	W. Miller	G. Taylor
Braman	Hauschel	Oakley	W. F. Taylor
Brogan	Hess	O'Keefe	Tewksbury
Burtis	Hogan	Page	Tremain
Calkins	Holmes	Petty	Vedder
T. C. Campbell	Houghton	Pierson	Vosburgh
T. J. Campbell	Hussey	Prince	Wachner
Clark	Husted	Ransom	Wellington
Cleary	Ives	Rich	Wenzel
Cole	W. Johnson	Roscoe	West
Cooke	Keenan	Sanford	Whitmore
Costigan	Kennaday	Schenck	Willis
Daly	Kirk	Schuyler	Worth
Davis	Krack	Scudder	Wurts
Edson	Kshinka	Shattuck	Yost
Ely			

On motion of Mr. Hammond, and by unanimous consent, said bill was amended as follows:

Section 1, line 23, strike out the word "five-eighths" and insert the word "eleven-twentieths."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawrence	Scudder
Barkley	Ely	Lawsou	Shattuck
Beach	Faulkner	Lewis	Sherman
Beardsley	Fay	Lincoln	Sherwood
Benedict	Fish	Mackin	Silverman
Bennett	Friend	McAfee	Slingerland
Berry	Gallagher	McGowan	Smith
Bordwell	Green	McGroarty	Speaker
Bradley	Hammond	J. W. Miller	Stacy
Braman	Hanrahan	W. Miller	Stephens
Broas	Hauschel	Muller	Talmage
Brown	Hess	O'Keefe	G. Taylor

Burtis	Hogan	Page	W. F. Taylor
Calkins	Holmes	Peck	Tremain
T. C. Campbell	Hussey	Pierson	Vedder
T. J. Campbell	Husted	Pope	Vosburgh
Clark	Ives	Ransom	Waehner
Cleary	W. Johnson	Reilly	Wenzel
Coffey	W. A. Johnson	Roscoe	Whitmore
Comstock	Keenan	Russell	Witbeck
Costigan	Kirk	Sanford	Worth
Daggett	Krack	Schenck	Wurts
Davis	Kshinka	Schuyler	Yost
Decker			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Sherman, and by unanimous consent,

*Resolved*, That the Clerk be directed to prepare and furnish for the use of this House, 1,200 copies of the manual of rules, forms and laws for the regulation of business in the Assembly, known as the Clerk's Manual, with such emendations as may be necessary to make the same consistent with the present rules and laws and the practices thereunder, and that he distribute such copies in the following manner, viz: One copy to be sent by mail to each of the members to be elected to the next Legislature, to be forwarded to them previous to their meeting at the capitol; and the remainder to be retained by the Clerk, subject to the order of the next Assembly, and to be delivered to the Clerk thereof, and that the Clerk be further directed to include in the printing of such manual the work known as Croswell's Manual, properly corrected.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to authorize towns, cities and villages to pay their bonds, issued for railroad purposes, by exchanging therefor their railroad stock or bonds, and to exchange their stock of any railroad corporation for the bonds of such corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to the county court-house and jail in Queens county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Benedict, and by unanimous consent, said bill was ordered to a third reading.

"An act to amend chapter 757 of the Laws of 1873, entitled 'An act to amend chapter 335 of the Laws of 1873, entitled An act to reorganize the local government of the city of New York,' passed April 13, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

"An act to permit the town officers of the county of Rockland to take the oath of office prescribed by the Constitution," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Brown, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Talmage, and by unanimous consent, the committee

on affairs of cities was discharged from the further consideration of the bill entitled "An act to provide for the improvement of Thirty-ninth street, in the city of Brooklyn," and the same was ordered to a third reading.

The Senate returned the bill entitled "An act to amend an act entitled 'An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of 1873, passed June 28, 1873," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all of section 1 after the word "follows" in line 8, and insert in lieu thereof the following:

"§ 1. The common council of the city of Brooklyn are hereby authorized by a vote of a majority of all the members elected thereto to establish and, from time to time, to regulate the salaries of the firemen, engineers, drivers, stokers and firemen appointed by the fire commissioners of the city of Brooklyn to such amounts as they may deem proper."

Section 2, line 12, strike out the word "the" first occurring, and insert the word "any." Same line, strike out the word "aforesaid" and insert the words "made in pursuance of this act."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schuyler
Barkley	Ely	Kshinka	Scudder
Beach	Farrar	Law	Shattuck
Benedict	Faulkner	Lawrence	Sherman
Bennett	Fish	Lewis	Shiel
Berry	Friend	Lillybridge	Slingerland
Bordwell	Gallagher	McAfee	Smith
Bradley	Green	McGowan	Stacy
Braman	Hammond	McGroarty	Stephens
Brogan	Hanrahan	J. W. Miller	Talmage
Brown	Hauschel	Muller	G. Taylor
Burtis	Hess	Oakley	Tewksbury
Calkins	Hinckley	O'Keefe	Vedder
T. C. Campbell	Holmes	Peck	Vosburgh
T. J. Campbell	Houghton	Petty	Wellington
Cleary	Hussey	Pierson	Wenzel
Coffey	Husted	Prince	Whitmore
Comstock	Ives	Ransom	Witbeck
Costigan	W. Johnson	Reilly	Worth
Daggett	Keenan	Roscoe	Wurts
Daly	Kennaday	Sanford	Yost
Decker	Kirk	Schenck	

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.



The Senate returned the bill entitled "An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners, for lands taken from Prospect park for reservoir purposes," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 4, strike out the words "city water" and insert the words "Prospect park."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Seward
Barkley	Ely	Lawson	Sherman
Beach	Farrar	Lillybridge	Shiel
Beardsley	Faulkner	Mackin	Slingerland
Bennett	Fish	McGowan	Smith
Berry	Friend	McGroarty	Stacy
Bowen	Gallagher	Merwin	Stauf
Bradley	Gedney	W. Miller	Stephens
Broas	Hammond	Muller	Talmage
Brown	Hanrahan	O'Keefe	G. Taylor
Burtis	Hepburn	Page	Tewksbury
Calkins	Hess	Petty	Tremain
T. C. Campbell	Hinckley	Pierson	Vedder
T. J. Campbell	Hogan	Prince	Waehner
Clark	Houghton	Ransom	Wellington
Cleary	Husted	Rich	Wenzel
Cole	Ives	Roscoe	Whitmore
Comstock	W. Johnson	Sanford	Willis
Costigan	Keenan	Schenck	Worth
Daggett	Kennaday	Schieffelin	Wurts
Davis	Krack	Scudder	Yost
Decker	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, add at end of line 18 the following: "and the mayor, aldermen and commonalty of the city of New York shall authorize and empower."

Line 29, strike out the word "by." Same line, after the word "parks" insert the words "or the department of public works."

Add at end of section the words "to do the work as directed by the board of health."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Barrow	Ely	Kshinka	Seward
Beardsley	Farrar	Law	Shattuck
Benedict	Faulkner	Lawrence	Sherwood
Bennett	Fay	Lawson	Shiel
Bishop	Fish	Lillybridge	Silverman
Bordwell	Friend	Lincoln	Smith
Bradley	Gedney	McAfee	Speaker
Braman	Griffin	McGowan	Stauf
Brogan	Hammond	Merwin	Stephens
Brown	Hanrahan	J. W. Miller	Talmage
Burtis	Hauschel	Muller	G. Taylor
Calkins	Hess	Oakley	Tewksbury
T. C. Campbell	Hinckley	Page	Tremain
T. J. Campbell	Hogan	Peck	Vedder
Clark	Houghton	Pierson	Waehner
Cleary	Hussey	Pope	Wenzel
Cole	Husted	Prince	West
Cooke	Ives	Reilly	Whitmore
Costigan	W. Johnson	Rich	Witbeck
Daggett	W. A. Johnson	Russell	Worth
Daly	Kennaday	Schenck	Wurts
Decker	Kirk	Schieffelin	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 583 of the Laws of 1872, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 31, strike out all after the word "thereof" down to and including the word "and" in line 34, and insert the words "shall be paid by." Lines 34 and 35, strike out the words "to pay the proceeds thereof." Line 36, strike out the words "like requisition" and insert the words "the certificate of the Brooklyn park commissioners."

Section 2, line 34, after the word "make" insert the word "all." Line 37, after the word "county" insert the words "including the amount expended for the improvement of said concourse." Lines 53 and 54, strike out the words "levy the same on" and insert the words "so much thereof as is chargeable against." Line 55, after the word "assessed" insert the words "shall be levied on the same." After the word "tax" insert the words "for the improvement."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 83 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Scudder
Barkley	Dessar	Kshinka	Shattuck
Barrow	Edson	Lawrence	Sherwood
Beardsley	Farrar	Lewis	Shiel
Benedict	Faulkner	Lillybridge	Slingerland
Berry	Fay	Mackin	Smith
Bordwell	Friend	McGowan	Stacy
Bowen	Gallagher	McGroarty	Stephens
Bradley	Green	Merwin	Talmage
Broas	Griffin	W. Miller	G. Taylor
Brogan	Hanrahan	Muller	Tewksbury
Burtis	Hauschel	Oakley	Vedder
Calkins	Hess	Page	Vosburgh
T. C. Campbell	Hogan	Petty	Wellington
T. J. Campbell	Houghton	Pierson	Wenzel
Clark	Husted	Prince	Whitmore
Cleary	Ives	Ransom	Witbeck
Cole	W. A. Johnson	Roscoe	Worth
Comstock	Keenan	Russell	Wurts
Costigan	Kennaday	Schenck	Yost
Daly	Kirk	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to establish a board of fire commissioners of the village of West Troy, in the county of Albany," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out section 1, and insert in lieu thereof the following:

"SECTION 1. Daniel Knower, John I. Winne, Henry Kimberly, Terrence J. Cummins and Arthur R. Smith are hereby appointed commissioners, to be known as the fire commissioners of the village of West Troy, who shall hold their office as specified in section two of this act."

Section 2, line 11, strike out the words "thereafter appointed" and insert the words "elected as hereinafter specified;" also insert after the word "April," line 17, the words "in each year."

Section 3, strike out in lines 28, 29, 30 and 31 the words "any vacancy in the number of said commissioners shall be filled by the president and board of trustees of said village," and insert the words "any vacancy occurring in said board shall be filled by the remaining members thereof, under the same restrictions as to qualifications as provided in section 18 of this act;" also, strike out the words "from the board" in line 32, same section.

Section 5, line 6, strike out the word "April" and insert the word "June."

Section 12, line 18, insert after the word "which" the words "together with the sum voted and raised by tax for the current year of 1875."

Section 16, strike out all down to the word "whenever" in line 6.

Strike out the whole of section 18, and insert in lieu thereof as follows:

"§ 18. Hereafter as the term of office of any commissioner shall expire as provided in section 2 of this act, there shall be elected annually at the charter election held in and for said village a commissioner, who shall be a tax payer, a resident of the ward and of the same political party from which the commissioner whose term of office is about to expire was appointed or elected, except the fifth commissioner named in section 1 of this act, whose successor or successors may be from either ward or party, as a commissioner at large. The president and board of trustees of said village shall give all necessary notices of such election, and shall provide a ballot box for the polls held in each of the several wards, to be marked "Fire Commissioner." The said commissioner shall be voted for by a separate ballot, to be indorsed "For Fire Commissioner," and all ballots cast for said officer shall be canvassed and returns thereof made as now provided by law for other village officers. And the commissioner so elected shall, within ten days thereafter, qualify as such commissioner by taking and filing with the clerk of said village the constitutional oath of office."

Section 19, strike out from and including the word "subject," in line 6, down to and including the word "purposes," also strike out from and including the word "by," in line 12, down to the word "trustees," in line 13.

Section 20, strike out all after the word "notice," in line 6, and insert in lieu thereof the following: "shall call a meeting of the board of fire commissioners appointed in section one of this act, and receive their oath of office, and cause the same to be filed with the clerk of said village."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Farrar	Lawrence	Schuyler
Barkley	Faulkner	Lawson	Seward
Beach	Fish	Lewis	Shattuck
Benedict	Friend	Lillybridge	Sherman
Bennett	Gallagher	Lincoln	Shiel
Berry	Gedney	Mackin	Silverman
Bishop	Griffin	McGowan	Smith
Bordwell	Hammond	McGroarty	Speaker
Bradley	Hanrahan	Merwin	Stauf
Braman	Hauschel	J. W. Miller	Stephens
Burtis	Hepburn	W. Miller	Talmage
Calkins	Hess	Oakley	W. F. Taylor
T. C. Campbell	Hinckley	O'Keefe	Tewksbury

T. J. Campbell	Holmes	Page	Vedder
Cleary	Hussey	Peck	Vosburgh
Coffey	Husted	Pierson	Waehner
Comstock	Ives	Pope	Wenzel
Cooke	W. Johnson	Ransom	West
Daggett	W. A. Johnson	Reilly	Whitmore
Daly	Keenan	Rich	Witbeck
Decker	Kennaday	Russell	Worth
Dessar	Kirk	Sanford	Wurts
Edson	Krack	Schenck	Yost
Ely	Kshinka		

For the negative,

Brogan

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 9, line 17, after the word "find" strike out the word "or" and insert the words "and if insufficient the deficiency." Strike out the words "income of the common" and insert the word "free." Line 24, strike out the word "and" and insert the words "to be."

Section 18, strike out all after the word "trustees," in line 6.

Section 19, line 6, after the word "year" insert the word "and." Line 10, after the word "buildings" insert the words "upon a vote of a district meeting."

Section 27, strike out all after the word "libraries," in line 6.

Strike out section 28, and change section 29 to section 28.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Sanford
Barkley	Ely	Krack	Schenck
Barrow	Farrar	Kshinka	Schuyler
Beach	Faulkner	Law	Scudder
Benedict	Fay	Lawrence	Shattuck
Bennett	Fish	Lewis	Sherman
Berry	Friend	Lillybridge	Sherwood
Bordwell	Gallagher	Lincoln	Silverman
Bowen	Gedney	McAfee	Smith
Bradley	Green	McGowan	Speaker
Braman	Griffin	McGroarty	Stauf
Brogan	Hammond	Merwin	Struble
Burtis	Hanrahan	J. W. Milier	G. Taylor

Calkins	Hanschel	W. Miller	W. F. Taylor
T. C. Campbell	Hess	Muller	Tewksbury
T. J. Campbell	Hinckley	Oakley	Vedder
Clark	Hogan	Page	Vosburgh
Cleary	Holmes	Petty	Wellington
Coffey	Hussey	Pierson	Wenzel
Cole	Husted	Pope	West
Cooke	Ives	Prince	Willis
Costigan	W. Johnson	Reilly	Witbeck
Daly	W. A. Johnson	Rich	Wurts
Davis	Keenan	Roscoe	Yost
Decker	Kennaday		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 485, Laws of 1878, entitled 'An act to amend chapter 733, Laws of 1872, entitled An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 2, line 27, engrossed bill, strike out the word "also," and make full stop at word "creek."

After the word "pike," in line 28, insert the words "are also exempted from the operation of this section."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Law	Sherman
Barkley	Edson	Lawson	Sherwood
Barrow	Farrar	Lewis	Shiel
Beardsley	Faulkner	Lincoln	Silverman
Benedict	Fish	McAfee	Slingerland
Berry	Friend	McGowan	Smith
Bordwell	Gedney	Merwin	Speaker
Bowen	Griffin	J. W. Miller	Stauf
Bradley	Hammond	Muller	Stephens
Braman	Hanrahan	Oakley	Struble
Brogan	Hanschel	Peck	Talmage
Burtis	Hess	Petty	W. F. Taylor
Calkins	Hinckley	Pope	Tremain
T. C. Campbell	Holmes	Prince	Vedder
T. J. Campbell	Houghton	Reilly	Waehner
Clark	Husted	Rich	Wenzel
Coffey	Ives	Russell	West
Cole	W. Johnson	Sanford	Willis

Comstock	Keenan	Schenck	Witbeck
Cooke	Kennaday	Schieffelin	Worth
Costigan	Kirk	Scudder	Wurts
Daggett	Krack	Seward	Yost
Daly	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend section 1 of chapter 702 of the Laws of 1872, entitled 'An act to improve and regulate the use of the Fourth avenue in the city of New York,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert as follows:

"SECTION 1. The board of engineers of the Fourth avenue improvement, organized pursuant to chapter 702 of the Laws of 1872, are authorized, if they shall deem it expedient so to do, to alter their plans and specifications for said improvement by changing the location of the bridge over the railroad, and the approaches thereto, by said act directed to be constructed between Fifty-second and Fifty-third streets, to between Fifty-first and Fifty-second streets, instead of between Fifty-second and Fifty-third streets, and to locate the foot bridge at Fifty-third street instead of Fifty-first street, and in such case to file plans and specifications showing such changes of location in the office of the comptroller of the city of New York, with like effect, as to such bridges and approaches and changes rendered necessary thereby, as if the same had been exhibited upon the plans and specifications authorized by said act; but nothing in this act contained shall be construed to interfere with the work of the improvement of said avenue as now in progress under the direction of said board of engineers in any respect, except as to said bridges and approaches and the work made necessary by such changes of location; nor shall the cost to the city of said improvement be increased by the changes of location authorized hereby.

"§ 2. This act shall take effect immediately."

Amend the title so as to read as follows:

"An act authorizing the board of engineers of the Fourth avenue improvement to alter the plans for crossing at and between Fifty-first and Fifty-third streets, in the city of New York."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Krack	Scudder
Barkley	Decker	Kshinka	Seward
Barrow	Dessar	Law	Sherman
Beach	Edson	Lawson	Shiel
Beardsley	Farrar	Lewis	Slingerland
Benedict	Faulkner	Lillybridge	Smith



Bennett	Fish	Mackin	Stacy
Berry	Friend	McGowan	Stephens
Bordwell	Gallagher	McGroarty	Struble
Bowen	Green	J. W. Miller	G. Taylor
Bradley	Hammond	Muller	W. F. Taylor
Broas	Hanrahan	Oakley	Tremain
Brown	Hepburn	O'Keefe	Vedder
Burtis	Hess	Peck	Waehner
Calkins	Hinckley	Pierson	Wellington
T. C. Campbell	Holmes	Pope	Wenzel
T. J. Campbell	Houghton	Ransom	Whitmore
Clark	Husted	Rich	Willis
Coffey	Ives	Roscoe	Worth
Comstock	W. A. Johnson	Sanford	Wurts
Cooke	Kennaday	Schenck	Yost
Costigan	Kirk	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the appointment of commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after "Section 1," in line 1, down to and including the word "commissioners," in lines 5 and 6, and insert in lieu thereof the following: "Addison Gardner, Henry Lampert, Oscar Craig, Michael Filon and Chauncey Perry are hereby appointed commissioners."

Amend the title so as to read, "An act appointing commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schieffelin
Barkley	Dessar	Kshinka	Seward
Beach	Ely	Lawrence	Sherman
Beardsley	Farrar	Lewis	Shiel
Benedict	Fay	Lincoln	Silverman
Berry	Friend	Mackin	Smith
Bishop	Gallagher	McGowan	Speaker
Bowen	Green	McGroarty	Stauf

Braman	Griffin	J. W. Miller	Stephens
Broas	Hammond	W. Miller	Struble
Brown	Hanrahan	Oakley	Talmage
Burtis	Hepburn	O'Keefe	G. Taylor
Calkins	Hess	Peck	Tewksbury
T. C. Campbell	Holmes	Petty	Vedder
T. J. Campbell	Houghton	Pierson	Waehner
Clark	Hussey	Prince	Wenzel
Coffey	Ives	Ransom	Whitmore
Comstock	W. Johnson	Reilly	Willis
Cooke	Keenan	Rich	Worth
Daggett	Kennaday	Russell	Wurts
Daly	Kirk	Sanford	Yost

For the negative,

Schuyler

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 1 the following: "except upon the condition that the consent of the resident owners of one-half in value of the property bounded on that portion of said streets, or either of them, upon which it is proposed to construct or operate such railroad, and also the consent of the common council by a vote of two-thirds of all the members elected be first obtained."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 88 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Davis	Kshinka	Soudder
Barkley	Dessar	Law	Seward
Barrow	Ely	Lawson	Sherman
Beach	Farrar	Lillybridge	Sherwood
Beardsley	Faulkner	Lincoln	Shiel
Bennett	Fish	McAfee	Slingerland
Berry	Friend	McGowan	Smith
Bordwell	Gallagher	Merwin	Stacy
Bowen	Green	W. Miller	Stephens
Bradley	Griffin	Muller	Struble
Broas	Hammond	O'Keefe	Talmage
Brown	Hanrahan	Peck	Tewksbury
Burtis	Hauschel	Petty	Tremain
Calkins	Hess	Pope	Vosburgh
T C. Campbell	Hinckley	Prince	Waehner

T. J. Campbell	Holmes	Ransom	Wenzel
Clark	Houghton	Reilly	West
Coffey	Husted	Rich	Whitmore
Cole	Ives	Roscoe	Witbeck
Comstock	W. A. Johnson	Russell	Worth
Costigan	Kennaday	Schenck	Wurts
Daly	Krack	Schieffelin	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate bill entitled "An act supplementary to chapter 332 of the Laws of 1868, passed April 27, 1868, relating to the Hudson Highland Suspension Bridge Company, and of the several acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
 { NOES 1 }

Those who voted in the affirmative, were

Alvord	Daggett	Kshinka	Scudder
Barkley	Daly	Law	Shattuck
Barrow	Davis	Lawson	Sherman
Beardsley	Dessar	Lewis	Shiel
Benedict	Edson	Lincoln	Slingerland
Bennett	Ely	Mackin	Smith
Berry	Faulkner	McGowan	Stacy
Bordwell	Fish	McGroarty	Stauf
Bowen	Friend	J. W. Miller	Struble
Bradley	Griffin	W. Miller	G. Taylor
Broas	Hanrahan	Oakley	W. F. Taylor
Brown	Hepburn	O'Keefe	Tremain
Burtis	Hess	Page	Vedder
Calkins	Hogan	Petty	Waeher
T. C. Campbell	Houghton	Pope	Wellington
T. J. Campbell	Hussey	Prince	West
Clark	Husted	Reilly	Whitmore
Cleary	W. Johnson	Rich	Witbeck
Cole	Keenan	Russell	Worth
Comstock	Kennaday	Schenck	Wurts
Cooke	Krack	Schuyler	Yost

For the negative,

Gedney

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Oakley, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Senate bill entitled "An act to regulate investments by insurance companies," and the same ordered to a third reading.

Mr. T. C. Campbell moved to take from the table the motion to reconsider the vote by which the bill entitled "An act in relation to the administration of civil law in the city of New York, and in connection therewith to create an inferior local court in said city with civil jurisdiction only," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 54 }  
{ NOES 42 }

Those who voted in the affirmative, were

Alvord	Costigan	Keenan	Roscoe
Barkley	Daly	Kennaday	Schieffelin
Beardsley	Dessar	Kirk	Schuyler
Benedict	Edson	Lewis	Scudder
Berry	Faulkner	Mackin	Sherman
Bradley	Friend	McGowan	Shiel
Braman	Hammond	McGroarty	Silverman
Brogan	Hauschel	Merwin	Smith
Brown	Hogan	Muller	Speaker
Burtis	Holmes	Oakley	Stauf
T. C. Campbell	Houghton	O'Keefe	Stephens
T. J. Campbell	Husted	Pierson	Waehner
Cole	Ives	Prince	Worth
Cooke	W. Johnson		

Those who voted in the negative, were

Barrow	Gallagher	Petty	Tewksbury
Bishop	Gedney	Pope	Vedder
Bordwell	Green	Ransom	Vosburgh
Calkins	Hussey	Reilly	Wellington
Clark	W. A. Johnson	Russell	Wenzel
Cleary	Law	Schenck	West
Coffey	Lawrence	Seward	Whitmore
Comstock	Lawson	Shattuck	Willis
Decker	Lillybridge	Slingerland	Wurts
Farrar	Lincoln	W. F. Taylor	Yost
Fay	Peck		

The bill entitled "An act in relation to corporations transacting business in other States," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 34 }  
{ NOES 43 }

Those who voted in the affirmative, were

Alvord	Comstock	Hinckley	Schenck
Barkley	Costigan	Houghton	Scudder

**MAY 19.]**

**1787**

<b>Bordwell</b>	<b>Decker</b>	<b>Husted</b>	<b>Seward</b>
<b>Bowen</b>	<b>Ely</b>	<b>Lincoln</b>	<b>Sherman</b>
<b>Braman</b>	<b>Farrar</b>	<b>Muller</b>	<b>Sherwood</b>
<b>Brogan</b>	<b>Faulkner</b>	<b>Oakley</b>	<b>Stephens</b>
<b>T. C. Campbell</b>	<b>Fay</b>	<b>Page</b>	<b>Vedder</b>
<b>T. J. Campbell</b>	<b>Fish</b>	<b>Pope</b>	<b>Yost</b>
<b>Coffey</b>	<b>Gedney</b>		

**Those who voted in the negative, were**

<b>Barrow</b>	<b>Green</b>	<b>McGowan</b>	<b>Shiel</b>
<b>Benedict</b>	<b>Hammond</b>	<b>O'Keefe</b>	<b>Silverman</b>
<b>Bishop</b>	<b>Hauschel</b>	<b>Peck</b>	<b>Smith</b>
<b>Bradley</b>	<b>Hess</b>	<b>Petty</b>	<b>Waehner</b>
<b>Broas</b>	<b>Hogan</b>	<b>Pierson</b>	<b>Wenzel</b>
<b>Brown</b>	<b>Holmes</b>	<b>Ransom</b>	<b>West</b>
<b>Clark</b>	<b>Hussey</b>	<b>Reilly</b>	<b>Whitmore</b>
<b>Cleary</b>	<b>W. A. Johnson</b>	<b>Russell</b>	<b>Willis</b>
<b>Cooke</b>	<b>Kirk</b>	<b>Schieffelin</b>	<b>Witbeck</b>
<b>Daly</b>	<b>Lewis</b>	<b>Schuyler</b>	<b>Wurts</b>
<b>Friend</b>	<b>Lillybridge</b>	<b>Shattuck</b>	

**Mr. Vedder moved to reconsider the vote just taken, and that that motion lie on the table.**

**Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.**

**The Senate bill entitled "An act in relation to the expenses of contested seats in the Legislature of this State," was read a third time.**

**Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.**

**{ AYES 77 }**  
**{ NOES 9 }**

**Those who voted in the affirmative, were**

<b>Alvord</b>	<b>Daly</b>	<b>W. Johnson</b>	<b>Pierson</b>
<b>Barkley</b>	<b>Decker</b>	<b>W. A. Johnson</b>	<b>Roscoe</b>
<b>Barrow</b>	<b>Dessar</b>	<b>Kirk</b>	<b>Russell</b>
<b>Beardsley</b>	<b>Edson</b>	<b>Krack</b>	<b>Scudder</b>
<b>Benedict</b>	<b>Ely</b>	<b>Kshinka</b>	<b>Seward</b>
<b>Berry</b>	<b>Farrar</b>	<b>Law</b>	<b>Shattuck</b>
<b>Bordwell</b>	<b>Faulkner</b>	<b>Lawson</b>	<b>Sherman</b>
<b>Bradley</b>	<b>Fish</b>	<b>Lewis</b>	<b>Silverman</b>
<b>Braman</b>	<b>Friend</b>	<b>Lincoln</b>	<b>Slingerland</b>
<b>Brown</b>	<b>Gallagher</b>	<b>Mackin</b>	<b>Smith</b>
<b>Burtis</b>	<b>Green</b>	<b>McGowan</b>	<b>Speaker</b>
<b>Calkins</b>	<b>Griffin</b>	<b>McGroarty</b>	<b>Stephens</b>
<b>T. C. Campbell</b>	<b>Hanrahan</b>	<b>Merwin</b>	<b>G. Taylor</b>
<b>T. J. Campbell</b>	<b>Hess</b>	<b>J. W. Miller</b>	<b>Tremain</b>
<b>Clark</b>	<b>Hinckley</b>	<b>Muller</b>	<b>Waehner</b>
<b>Cleary</b>	<b>Hogan</b>	<b>Oakley</b>	<b>West</b>
<b>Cole</b>	<b>Houghton</b>	<b>O'Keefe</b>	<b>Willis</b>
<b>Comstock</b>	<b>Hussey</b>	<b>Peck</b>	<b>Worth</b>
<b>Cooke</b>	<b>Husted</b>	<b>Petty</b>	<b>Yost</b>
<b>Daggett</b>			

Those who voted in the negative, were

Brogan  
Hauschel  
Keenan

Ransom  
Reilly

Schenck  
Vedder

Wenzel  
Wurts

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved that when this House adjourns it adjourn to meet to-morrow morning at 10½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Willis moved to lay the present order of business on the table, for the purpose of introducing a resolution.

Mr. Waehner moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

Thereupon, at 1 o'clock and 20 minutes, the House adjourned.

## THURSDAY, MAY 20, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act in relation to taxes on lands sold by the State, and to amend the Revised Statutes in relation thereto."

"An act to release the interest which the State of New York may have acquired to the real estate of which John Smith died seized to his widow, Mary Newman."

"An act to fix the compensation of certain officers in the city and county of New York."

"An act to further amend chapter 306 of the Laws of 1861, entitled 'An act to amend the act passed May 8, 1846, entitled An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York.'"

"An act to make further provision for the payment of further expenses of the local government of the city of New York."

"An act to release to Susan Grant the right, title and interest of the people of the State of New York in and to certain real estate in the city of Rochester."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to Anne Pinketon, formerly Anne Scott."

"An act to amend an act entitled 'An act for the preservation of fish in the river St. Lawrence,' passed June 12, 1873."

"An act to legalize and confirm the official acts and proceedings of Edson Potter, Harvey P. Potter, Benjamin F. Read and William Horton as constables in the town of Colton, county of St. Lawrence."

"An act to amend the charter of the village of Avon."

"An act supplementary to chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' and the acts amendatory thereof."

"An act to amend chapter 40 of the Laws of 1872, entitled 'An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water,' and supplementary thereto."

"An act in relation to the Port road in the city of Brooklyn."

"An act to authorize the appointment and employment of a stenographer for the recorder's court of the city of Oswego."

"An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster.'"

"An act providing for the disposition of excise moneys in the several towns of Orange county, except the city and town of Newburgh."

"An act to regulate the price of and the quality of gas used in the city of Yonkers, in the county of Westchester."

"An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein."

"An act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn."

"An act to extend the powers of the trustees of the village of Wilson, in the county of Niagara."

"An act to amend chapter 408 of the Laws of 1870, entitled 'An act relating to the supreme court, and to the election of a judge of the court of common pleas, in and for the city and county of New York.'"

"An act to repeal chapter 969 of the Laws of 1867, entitled 'An act in relation to inspection of steam boilers in the State of New York, except in the Metropolitan police district.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to amend chapter 387 of the Laws of 1872, entitled 'An act to supply the city of Rochester with pure and wholesome water,'" with a message informing that they had reconsidered their vote on the final passage of said bill, and passed the same as amended by the Assembly.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act in relation to Congress Hall," with a message informing of non concurrence in the passage of the same.

The Senate returned the bills entitled as follows:

"An act to authorize the construction of work upon the canals of this State."

"An act to amend an act entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morristania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 6, 1874."

"An act to regulate pilotage for the port of New York."

"An act appointing commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such, thereon in the city of Rochester."

"An act to amend an act entitled 'An act in relation to the pay of the



officers and members of the fire department of the city of Brooklyn,' chapter 856, Laws of 1873, passed June 28, 1873."

"An act to amend an act entitled 'An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York.'"

"An act relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo."

"An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners, for lands taken from Prospect park for reservoir puposes."

"An act to amend chapter 435, Laws of 1873, entitled 'An act to amend chapter 733, Laws of 1872, entitled An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to provide for the change of the name of the Ninth Ward Bank of the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

"An act to amend section 14, title 3 of chapter 7 of part 3 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, said bill was ordered to a third reading.

The Senate returned the bill entitled "An act in relation to the Inebriates' Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof,'" with a message informing of agreement to the report of the committee of conference thereon, in the words following:

The Assembly concur in the amendments made by the Senate, except that which strikes out all of section 3 after the word "follows," in line 6, and inserts a new section, and as to that they have agreed to recommend the adoption of the following as a substitute for words in said amendment directed to be inserted:

"§ 1. The comptroller of the city of Brooklyn shall pay to the treasurer of the Inebriate Home for Kings county, twelve per cent of all moneys hereafter received by him from the excise commissioners of the city of Brooklyn for licenses granted by them under the excise laws of the State, and the boards of commissioners of excise for the county of Kings shall also pay to said home twelve per cent of all moneys hereafter received for licenses granted by them. Said money shall be paid to said treasurer upon the presentation of a certified copy of a resolution passed by the executive committee of said Inebriates' Home, declar-

ing that it is necessary for the care and maintenance of the indigent poor treated in said institution, and as much of said twelve per cent only shall be paid during each year as shall be certified by such resolution to be required for such support over and above the available receipts of such institution from all other sources, after all the legitimate claims on said receipts shall have been discharged. The moneys herein required to be paid shall be so paid by the said comptroller of the city of Brooklyn and the boards of excise of the county towns of Kings county, within thirty days after the receipt thereof, or as soon after the expiration of said thirty days as the same shall be called for by resolution as aforesaid, and shall on and after January 1, 1875, be applied to the care and treatment in said home of such persons, actual residents of the county of Kings, as in the judgment of the executive committee of said home may be poor and in such indigent circumstances as to require relief and support, and to be proper subjects for care and treatment therein by reason of habitual drunkenness.

JOHN T. MCGOWAN,  
JACOB HESS,  
JOHN H. BURTIS,  
JOHN R. KENNADAY,  
T. V. P. TALMAGE,

*Assembly Committee.*

JOHN W. COE,  
E. M. MADDEN,  
BENJAMIN RAY,  
*Senate Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 68 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Cooke	Keenan	Schenck
Barkley	Costigan	Kennaday	Schieffelin
Beardsley	Daly	Law	Schuyler
Bennett	Edson	Lawrence	Seward
Berry	Farrar	Lawson	Sherman
Bishop	Fay	Lincoln	Shiel
Bordwell	Friend	Mackin	Slingerland
Bowen	Gallagher	McGowan	Stephens
Bradley	Green	McGroarty	Struble
Brogan	Hammond	O'Keefe	G. Taylor
Burtis	Hanrahan	Page	Tewksbury
Calkins	Hess	Petty	Tremain
T. C. Campbell	Hinckley	Pierson	Vosburgh
T. J. Campbell	Hogan	Prince	Wachner
Clark	Hussey	Reilly	Wellington
Cleary	Ives	Roscoe	Willis
Comstock	W. Johnson	Russell	Witbeck

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act authorizing the common council of the city of New York to re-open a part of Bloomingdale road or Broadway, in the city of New York," with a message informing of concurrence in the passage of the same with the following amendment:

Section 3, line 4, after the word "the" strike out the balance of the section, and insert as follows: "whole of such expense shall be assessed upon the property benefited thereby as if the same had been laid out and established as hereinbefore mentioned. Nothing in this act contained shall affect any right accrued or legal proceeding or suit now pending growing out of the closing of said Bloomingdale road by the Central Park commissioners."

The amendment having having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Schuyler
Barkley	Ely	Law	Seward
Beardsley	Farrar	Lawson	Shattuck
Benedict	Faulkner	Lewis	Sherman
Bennett	Fish	Lincoln	Shiel
Berry	Friend	McAfee	Smith
Bordwell	Gallagher	McGowan	Speaker
Bradley	Gedney	McGroarty	Stauf
Broas	Hanrahan	Oakley	Struble
Brown	Hepburn	O'Keefe	G. Taylor
Burtis	Hess	Page	W. F. Taylor
Calkins	Hogan	Peck	Tewksbury
T. C. Campbell	Holmes	Pierson	Vedder
T. J. Campbell	Hussey	Prince	Vosburgh
Clark	Ives	Ransom	Wellington
Coffey	W. Johnson	Rich	West
Comstock	W. A. Johnson	Russell	Witbeck
Cooke	Kirk	Schenck	Worth
Daly	Krack	Schieffelin	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act for the preservation of fish in the Niagara river," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, insert at the end of line 8, engrossed bill, the words "nor in the waters of Lake Erie, from the said International Bridge up to the line between the counties of Erie and Chautauqua."

Amend the title by adding at the end thereof the words "and in the waters of Lake Erie adjacent to the county of Erie."

The amendments having been read,

Mr. Ransom moved to non-concur in the same, that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Messrs. Ransom, Edson, Hanrahan, Lawson and Bordwell were appointed such committee.

The Senate returned the bill entitled "An act relating to the repavement of streets, avenues and highways in the city of New York heretofore paved with wood or concrete," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert as follows:

"SECTION 1. Whenever the commissioner of public works of the city of New York shall certify and report to the board of aldermen of said city that the safety, health or convenience of the public requires the repavement of any streets, avenues or public places in said city, said board of aldermen shall have the power to direct by ordinance or resolution the repavement of said streets, avenues or public places in the manner specified and of the materials approved of and recommended by said commissioners of public works, which work shall be done by and under the direction of the department of public works. In case any of the streets, avenues or public places in said city shall have been once paved and the expense therefor assessed upon the owners of adjoining and benefited property, and such assessments paid, the cost of the repaving thereof shall be borne by a general assessment upon all taxable property in said city. The cost of repaving the streets, avenues or public places, in accordance with the provisions of this act, shall be included in the estimate of the department of public works, shall be appropriated by the board of estimate and apportionment certified by the comptroller according to law, and inserted and included in the annual tax levies, and raised and collected by tax upon the estates subject to taxation in the city and county of New York, provided that the amount so appropriated and raised shall not exceed the sum of five hundred thousand dollars in any one single year.

"§ 2. All acts and parts of acts which are inconsistent with the provisions of this act are hereby repealed, so far as they relate to this act.

"§ 3. This act shall take effect immediately."

Amend the title so as to read, "An act to provide for a uniform system for the repavement of streets, avenues and public places in the city of New York."

The amendments having been read,

Mr. Daly moved that the Assembly do non-concur in the same, that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Daly, Kirk, Seward, Dessar and Husted as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to confirm and legalize certain acts of the common council of the city of Elmira," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered printed, engrossed and to a third reading.

On motion of Mr. T. C. Campbell, and by unanimous consent,

*Resolved*, That the postmaster, assistant postmaster and superinten-

dent of express matter of the Assembly are hereby authorized to remain fourteen days after the close of the session to forward all mail and express matter.

Mr. Husted, from the committee of conference on the Senate bill entitled "An act to facilitate the distribution of the property and effects of the American Tontine Life Insurance and Savings Institutions," reported that they have met and duly considered the same, and agreed to recommend as follows:

That the House recede from its amendment, and that the bill passed by the Senate be amended so as to read as follows:

AN ACT to facilitate the distribution of the property and effects of the American Tontine Life and Savings Insurance Company of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A receiver of the property and effects of the American Tontine Life and Savings Insurance Company of New York having been duly appointed by the supreme court of the State of New York for the first judicial district, for the purpose of collecting, receiving, and distributing the property and effects of said company, the Attorney-General may apply to the said court in the action in which said judgment was had for an order upon the foot thereof, directing the distribution of the securities, money or other property belonging to or deposited by said company with the insurance department; and said court shall have power to refer such application to inquire into and report upon the allegations stated therein; and upon the filing of such report the said court may direct that the securities and property aforesaid be distributed to and among the policy holders of said company as their rights may be determined by the court upon such application, and the residue, if any, be distributed to and among the other persons having legal rights therein as the same may be established by law.

§ 2. Upon such order being entered, and a certified copy thereof duly served upon the Superintendent of the Insurance Department, he is hereby authorized and directed to assign, transfer, and deliver the said securities, money or property, or otherwise dispose of the same as he may be directed by said order.

§ 3. This act shall take effect immediately.

F. W. TOBEY,  
W. H. ROBERTSON,  
JOHN FOX,  
*Senate Committee.*

JAMES W. HUSTED,  
WM. E. CALKINS,  
WILLARD JOHNSON,  
JAMES FAULKNER, JR.  
JAMES M. OAKLEY,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Barkley

Decker  
Edson

Krack  
Kshinka

Scudder  
Seward

Beardsley	Ely	Lawrence	Shattuck
Benedict	Farrar	Lawson	Sherwood
Berry	Faulkner	Lewis	Shiel
Bordwell	Fish	Lillybridge	Slingerland
Bowen	Friend	Mackin	Smith
Bradley	Gallagher	McAfee	Stauf
Broas	Gedney	McGowan	Struble
Brogan	Griffin	Merwin	Talmage
Burtis	Hanrahan	Oakley	G. Taylor
Calkins	Hepburn	O'Keefe	W. F. Taylor
T. C. Campbell	Hess	Peck	Tremain
T. J. Campbell	Hinckley	Petty	Vedder
Clark	Holmes	Pope	Waehner
Coffey	Hussey	Prince	Wellington
Cole	Husted	Ransom	West
Comstock	Ives	Rich	Witbeck
Cooke	W. A. Johnson	Russell	Wurts
Daggett	Kennaday	Schenck	Yost
Daly	Kirk	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Husted, from the committee on ways and means, to which was recommitted the bill introduced by Mr. Hammond, Int. No. 1123, entitled "An act to amend section 59 of chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" with power to report at any time, reported in favor of the passage of the same, with amendments, which report was agreed to.

Mr. Holmes moved that the bill, with amendments, be ordered printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. Section 2 of chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek,' is hereby amended so as to read as follows:

"§ 2. The said board are hereby authorized to purchase and obtain on behalf of said towns of East Chester and Pelham, such lands as may be necessary to be used for the straightening and widening of said creek in accordance with the surveys for that purpose, made under and pursuant to the authority of the government of the United States, and in case the said board cannot agree with the owner or owners of the land required for such purpose upon the price to be paid therefor, or are unable to contract in relation thereto by reason of the legal incapacity of such owners or any of them to enter into a contract for the sale of such lands,



or by reason of the absence of such owners or any of them from the State, then the said board are hereby authorized to acquire title to said land for the purposes aforesaid, and to enter into, take possession of, and condemn the same for such purposes, in the following manner :

“1. For the purpose of acquiring such title, the said board may present a petition praying for the appointment of commissioners of appraisal to the supreme court, at any general or special term thereof held in the district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which said board seeks to acquire ; and it must, in effect, state that lands necessary for straightening, widening, and improving said creek have been surveyed and a map made thereof, and filed in the office of the register of the county of Westchester, that the land described in the petition is required for the purposes of said improvement, and that the board has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, by reasonable diligence, be ascertained, who own or have, or claim to own or have, estates or interest in the said real estate ; and if any such persons are infants, their ages, as near as may be, must be stated ; and if any of such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on said real estate as the said board may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the supreme court, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court.

“2. If the person on whom such service is to be made resides in this State, and is not an infant, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent or attorney, authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid, with some person of suitable age.

“3. If the person on whom such service is to be made resides out of the State, and has an agent residing in the State, authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent, or on such person personally out of the State ; or it may be made by publishing the notice, stating briefly the object of the application and giving a description of the land to be taken, in the State paper, and in a paper printed in the county in which the land to be taken is situated, once in each week for one month next previous to the presentation of the petition. And if the residence of such person residing out of this State, but in any of the United States, or any of the British colonies of North America, is known, or can by reasonable diligence be ascertained, the company must, in addition to such publication as aforesaid, deposit a copy of the petition and notice in the post-office, properly folded and directed to such person at the post-office nearest his place of residence, at least thirty days before presenting such petition to the court, and pay the postage chargeable thereon in the United States.

“4. If any person on whom such service is to be made is under the age of twenty-one years, and resides in this State, such service shall be made as aforesaid on his general guardian ; or if he has no such guardian



then on such infant personally, if he is over the age of fourteen years ; and if under that age, then on the person who has the care of or with whom such infant resides.

“ 5. If the person on whom such service is to be made is an idiot or of unsound mind, and resides in this State, such service may be made on the committee of his person or estate ; or if he has no such committee, then on the person who has the care and charge of such idiot or person of unsound mind.

“ 6. If the person on whom service is to be made is unknown, or his residence is unknown, and cannot by reasonable diligence be ascertained, then such service may be made, under the direction of the court, by publishing a notice stating the time and place the petition will be presented and the object thereof, with a description of the land to be affected by the proceedings, in the State paper, and in a paper printed in the county where the land is situated, once in each week for one month previous to the presentation of such petition.

“ 7. In case any party to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings ; but if a general guardian or committee has been appointed for such person in this State, it shall be the duty of such general guardian or committee to attend to the interests of such infant, idiot or person of unsound mind, and the court may require such security to be given by such general or special guardian or committee, as it may deem necessary to protect the rights of such infant, idiot or person of unsound mind ; and all notices required to be served in the progress of the proceedings may be served on such general or special guardian or committee.

“ 8. In all cases not herein otherwise provided for, service of orders, notices and other papers in the special proceedings authorized by this act, may be made as the supreme court shall direct.

9. On presenting such petition to the supreme court, as aforesaid, with proof of service of a copy thereof and a notice as aforesaid, all or any of the persons whose estates or interests are to be affected by the proceedings may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, who reside in the county or some adjoining county where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the said improvement, and to fix the time and place for the first meeting of the commissioners.

“ 10. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the Constitution. Any of them may issue subpoenas and administer oaths to witnesses ; a majority of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties interested, or their agent or attorney. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any,

to writing, and after the testimony in such case is closed, they, or a majority of them, all being present, shall, without any unnecessary delay, and before proceeding to the examination of any other claim, ascertain and determine the compensation which ought justly to be made to the owners or persons interested in the real estate appraised by them; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the construction of the proposed improvement for which such real estate may be taken. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. The said commissioners shall make a report of their proceedings to the supreme court, with the minutes of the testimony taken by them, if any, and they shall be entitled to ten dollars for services and expenses for each day they are actually engaged in the performance of their duties, to be paid by the said board, except where the owners or persons interested in the real estate fail to have awarded them more than the amount of compensation offered them by the board before the appointment of commissioners, then to be paid by the said owners or persons interested, or, if not paid by them, to be paid by the said board, and deducted from the amount awarded.

“11. On such report being made by said commissioners, the said board shall give notice to the parties to be affected by the proceedings, or their attorneys, according to the rules and practice of said court at a general or special term thereof, for the confirmation of such report; and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid, or in what bank, and in what manner it shall be deposited by the said board.

“12. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the clerk's office of the county in which the land described in it is situated; and thereupon the said board and its agents, or the officers of the United States, shall be entitled to enter upon, take possession of and use the said land for the purposes of the said improvement; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in this section, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made is increased by the second report, the difference shall be

a lien on the land appraised and shall be paid to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded by the party to whom the same may have been paid; and judgment therefor may be rendered by the court, on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

" 13. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

" 14. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve, or be incapable of serving.

" 15. If, at any time after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the said board may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of such new proceedings the court may authorize the said board, if in possession, to continue in possession, and if not in possession to take possession, and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the said board on account thereof, on such board paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the said board delays or omits to prosecute the same.

" 16. In all cases of appraisal under this act, where the mode or manner of conducting all or any of the proceedings to the appraisal, and the proceedings consequent thereon are not expressly provided for by the statute, the courts before whom such proceedings may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this act; and the practice in such cases shall conform as near as may be to the ordinary practice in such courts.

" 17. When any proceedings of appraisal shall have been commenced, no change of ownership by voluntary conveyance or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal, shall in any manner affect such proceedings, but the same may be carried on and perfected, as if no such conveyance or transfer had been made or attempted to be made.

" 18. In case any title or interest in real estate required for the said

improvement shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot or person of unsound mind, the supreme court shall have power by a summary proceeding or petition, to authorize and empower such trustees or the general guardian or committee of such infant, idiot or person of unsound mind, to sell and convey the same for the purposes of this act, on such terms as may be just; and in case any such infant, idiot or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court, on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

"§ 2. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Seward
Barkley	Edson	Kshinka	Sherman
Beardsley	Ely	Law	Silverman
Bennett	Farrar	Lawson	Slingerland
Berry	Faulkner	Lewis	Smith
Bowen	Fay	Lincoln	Speaker
Bradley	Friend	McAfee	Stephens
Broas	Gallagher	McGowan	G. Taylor
Burtis	Griffin	Merwin	Tewksbury
Calkins	Hammond	Muller	Tremain
T. C. Campbell	Hauschel	Oakley	Vedder
T. J. Campbell	Hepburn	Page	Vosburgh
Clark	Hess	Petty	Waehner
Cleary	Hinckley	Pope	Wenzel
Cole	Holmes	Ransom	West
Comstock	Hussey	Rich	Witbeck
Cooke	Husted	Roscoe	Worth
Costigan	Ives	Sanford	Wurts
Daggett	Keenan	Schieffelin	Yost
Daly	Kirk	Schuyler	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

Mr. Daly, from the committee of conference to which was referred the

matters in difference between the two Houses relative to the Senate bill entitled "An act relating to taxation and appropriations in the city of New York, and to provide for the payment of part of the cost of the Fourth avenue improvement from revenue bonds to be paid from taxation in 1876 instead of 1875, and to reduce the tax levy of 1875 accordingly," submitted the following report:

That having met and duly considered the same, have agreed to recommend as follows:

That the Senate concur in the amendments made by the Assembly in striking out the third section and making section 4 section 3.

WM. B. WOODIN,  
JOHN FOX,  
*Senate Committee.*

JAMES DALY,  
JACOB HESS,  
JNO. T. MCGOWAN,  
TIMOTHY J. CAMPBELL.  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Schuyler moved that Speaker McGuire be one of the committee on the subject of the resolution offered by him relative to the quarantine.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Stephens called from the table the concurrent resolution, in the words following:

*Whereas*, In the concurrent resolution adopted by the Senate and Assembly in January, 1875, in relation to the improvement of the Kill von Kull, and known as Assembly document No. 29, certain geographical inaccuracies occurred which need to be corrected; therefore,

*Resolved* (if the Assembly concur), That said resolution be amended and corrected by striking out on the fourteenth and fifteenth lines the words "will divert the same, *i. e.* the channel, from the State of New York to a distant point and into the State of New Jersey;" also, on the twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth lines the words "*Whereas*, The further effect of said dyke will be to detach a portion of the State of New Jersey, *viz*: Shooters' Island, and place the same south of the proposed artificial channel, and upon the New York side, thereby destroying the natural boundary line between the said States, which boundary line is determined by the center of the channel of the said Kill von Kull;" and also on line 34 the words "It is in violation of the established boundary lines between the said States."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to authorize the board of trustees of the village of Port Jervis, in the county of Orange, to hold a special election for the purpose of voting to raise moneys by tax for the year 1875," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Scudder
Barkley	Edson	Lewis	Seward
Beardsley	Ely	Lillybridge	Shattuck
Benedict	Faulkner	Mackin	Sherman
Berry	Fish	McGowan	Shiel
Bordwell	Friend	McGroarty	Silverman
Bradley	Gedney	Merwin	Slingerland
Braman	Griffin	W. Miller	Smith
Brogan	Hammond	Oakley	Speaker
Burtis	Hanrahan	O'Keefe	Stauf
Calkins	Hepburn	Peck	Struble
T. C. Campbell	Hess	Pierson	Talmage
T. J. Campbell	Hogan	Prince	Tewksbury
Clark	Hussey	Ransom	Voshurgh
Coffey	Husted	Reilly	Wellington
Cole	W. Johnson	Roscoe	West
Cooke	Keenan	Russell	Willis
Costigan	Kirk	Sanford	Worth
Daly	Krack	Schieffelin	Wurts
Decker	Kshinka	Schuyler	Yost

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the improvement of Thirty-ninth street, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schuyler
Barkley	Edson	Kshinka	Scudder
Beardsley	Farrar	Law	Seward
Benedict	Faulkner	Lawrence	Sherman
Bennett	Fish	Lewis	Shiel
Berry	Friend	Lincoln	Slingerland
Bordwell	Gedney	Mackin	Speaker
Bradley	Griffin	McGowan	Stauf
Braman	Hanrahan	McGroarty	Stephens
Brogan	Hauschel	Muller	Talmage
Brown	Hepburn	O'Keefe	G. Taylor
Burtis	Hess	Page	Tremain
Calkins	Hinckley	Petty	Vedder
T. C. Campbell	Holmes	Pierson	Waehner
T. J. Campbell	Houghton	Prince	Wenzel
Clark	Hussey	Ransom	West

**MAY 20.]**

**1808**

<b>Cleary</b>	<b>Husted</b>	<b>Rich</b>	<b>Whitmore</b>
<b>Cole</b>	<b>W. Johnson</b>	<b>Russell</b>	<b>Witbeck</b>
<b>Cooke</b>	<b>Keenan</b>	<b>Sanford</b>	<b>Wurts</b>
<b>Daggett</b>	<b>Kirk</b>	<b>Schenck</b>	<b>Yost</b>
<b>Daly</b>			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relating to the court of arbitration of the Chamber of Commerce of the State of New York, and to provide for the expenses thereof," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ **AYES 80** }  
{ **NOES 25** }

Those who voted in the affirmative, were

<b>Alvord</b>	<b>Farrar</b>	<b>Law</b>	<b>Seward</b>
<b>Barkley</b>	<b>Fay</b>	<b>Lawrence</b>	<b>Sherman</b>
<b>Barrow</b>	<b>Friend</b>	<b>Lawson</b>	<b>Sherwood</b>
<b>Beardsley</b>	<b>Gallagher</b>	<b>Lewis</b>	<b>Silverman</b>
<b>Benedict</b>	<b>Green</b>	<b>Lillybridge</b>	<b>Stephens</b>
<b>Berry</b>	<b>Griffin</b>	<b>Lincoln</b>	<b>Struble</b>
<b>Bishop</b>	<b>Hammond</b>	<b>McGroarty</b>	<b>W. F. Taylor</b>
<b>Bordwell</b>	<b>Hepburn</b>	<b>Merwin</b>	<b>Tewksbury</b>
<b>Bowen</b>	<b>Hess</b>	<b>Muller</b>	<b>Tremain</b>
<b>Braman</b>	<b>Hinckley</b>	<b>Peck</b>	<b>Vedder</b>
<b>Broas</b>	<b>Holmes</b>	<b>Petty</b>	<b>Vosburgh</b>
<b>Brown</b>	<b>Houghton</b>	<b>Pope</b>	<b>Waehner</b>
<b>Burtis</b>	<b>Hussey</b>	<b>Prince</b>	<b>Wellington</b>
<b>Calkins</b>	<b>Husted</b>	<b>Roscoe</b>	<b>Wenzel</b>
<b>Clark</b>	<b>Ives</b>	<b>Russell</b>	<b>West</b>
<b>Comstock</b>	<b>W. A. Johnson</b>	<b>Sanford</b>	<b>Whitmore</b>
<b>Daggett</b>	<b>Kennaday</b>	<b>Schenck</b>	<b>Willis</b>
<b>Daly</b>	<b>Kirk</b>	<b>Schieffelin</b>	<b>Worth</b>
<b>Decker</b>	<b>Krack</b>	<b>Schuyler</b>	<b>Wurts</b>
<b>Edson</b>	<b>Kshinka</b>	<b>Scudder</b>	<b>Yost</b>

Those who voted in the negative, were

<b>Bennett</b>	<b>Ely</b>	<b>Keenan</b>	<b>Reilly</b>
<b>Bradley</b>	<b>Faulkner</b>	<b>McGowan</b>	<b>Rich</b>
<b>Brogan</b>	<b>Fish</b>	<b>O'Keefe</b>	<b>Shattuck</b>
<b>T. C. Campbell</b>	<b>Gedney</b>	<b>Page</b>	<b>Shiel</b>
<b>Coffey</b>	<b>Hauschel</b>	<b>Pierson</b>	<b>Smith</b>
<b>Cooke</b>	<b>Hogan</b>	<b>Ransom</b>	<b>G. Taylor</b>
<b>Costigan</b>			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

Mr. Alvord moved that when the hour of 12 M. arrives the House take a recess until 4 P. M.

Mr. T. J. Campbell moved to amend by making the hour 12½ P. M.



Mr. Speaker put the question whether the House would agree to said motion of Mr. T. J. Campbell, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

By unanimous consent, Mr. Hammond introduced a bill entitled "An act authorizing the payment of William A. Dunn for services as door-keeper of the Assembly," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, said bill was ordered to a third reading.

The bill entitled "An act to confirm and legalize certain acts of the common council of the city of Elmira," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Scudder
Barkley	Edson	Kshinka	Seward
Beardsley	Ely	Lawrence	Sherman
Benedict	Farrar	Lawson	Shiel
Bennett	Fish	Lewis	Slingerland
Bordwell	Friend	Lincoln	Smith
Bowen	Gallagher	McAfee	Stauf
Bradley	Gedney	McGowan	Stephens
Braman	Griffin	Merwin	Talmage
Brogan	Hanrahan	Muller	G. Taylor
Burtis	Hauschel	O'Keefe	Tewksbury
Calkins	Hess	Peck	Vedder
T. C. Campbell	Hinckley	Pierson	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner
Clark	Holmes	Ransom	Wenzel
Coffey	Houghton	Rich	West
Comstock	Husted	Russell	Willis
Cooke	Ives	Sanford	Worth
Daggett	W. Johnson	Schieffelin	Wurts
Daly	Keenan	Schuyler	Yost
Decker	Kirk		

For the negative,

Law

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act supplementary to an act in relation to a public park in the city of Albany,' passed April 23, 1870, and the act in relation to Washington park of the city of Albany, passed

March 11, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Oakley, and by unanimous consent, said bill was ordered to a third reading.

"An act in relation to the prepayment of the fees of sheriffs on execution," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Waehner, and by unanimous consent, said bill was ordered to a third reading.

"An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York or Raritan bay, within the jurisdiction of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Senate returned the bills entitled as follows:

"An act to establish a board of fire commissioners of the village of West Troy, in the county of Albany."

"An act to amend section 1 of chapter 702 of the Laws of 1872, entitled 'An act to improve and regulate the use of the Fourth avenue in the city of New York.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize the confinement of convicts in the county penitentiaries of this State."

"An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to amend section 20 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to incorporate the Electro-Medical College of the State of New York in the city of New York."

"An act to amend chapter 134 of the Laws of 1851, entitled 'An act in relation to weights and measures.'"

"An act relating to armories in the city of New York."

"An act supplementary to and amendatory of the several acts relating to the water supply of Long Island City."

*Ordered*, That the Clerk deliver said bills to the Governor.

The hour of 12 o'clock having arrived, the House took a recess until 4 o'clock P. M.

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## FOUR O'CLOCK.

The House again met.

A message from the Senate was received and read informing of assent to a committee of conference on the bill entitled "An act for the preservation of fish in the Niagara river," and have appointed as such committee on their part Messrs. Laning, Johnson and Robertson.

A message from the Senate was received and read, informing of assent to a committee of conference on the bill entitled "An act relating to the repavement of streets, avenues and highways in the city of New York

heretofore paved with wood or concrete," and have appointed as such committee on their part Messrs. Fox, Woodin and Coe.

The Senate returned the bill entitled as follows :

"An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Talmage, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to confirm and legalize certain acts of the common council of the city of Elmira."

"An act authorizing the payment of Wm. A. Dunn for services as doorkeeper of the Assembly."

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows :

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Mohawk,' passed April 17, 1861," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered to a third reading.

"An act to provide for the completion and publication of the maps of the Adirondack survey," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered to a third reading.

A message from the Senate was received and read, in the words following :

*Resolved*, That a respectful message be sent to the Assembly requesting the return to the Senate of the Assembly bill entitled "An act to authorize the common council of the city of New York to re-open a part of Bloomingdale road, or Broadway, in the city of New York."

Mr. Speaker put the question whether the House would grant said request, and it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to amend the charter of the city of Brooklyn," with a message informing of concurrence in the passage of the same, with the following amendments :

Section 1, line 13, strike out the words "all the" and insert the words "such of the." Strike out the words "vested in the captain of the port and" and insert the words "of a." Line 14, strike out all after the word "master" down to and including the word "two" in line 18, and insert the words "as may be conferred upon him by the captain of the port of New York."

Add at the end of section 1 the following : "Provided, however, that the powers so vested or conferred may wholly or in part be at any time revoked by said captain of the port when in his opinion the public interest may so demand."

The amendments having been read,

Mr. McGroarty moved to non-concur in the same, that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. McGroarty, Oakley, Kennaday, Bradley and Burtis.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the bill entitled "An act in relation to the police department in the city of New York," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

"SECTION 1. Section 48 of an act entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873, is hereby amended so as to read as follows:

"§ 48. The board of police shall have power to issue subpoenas, tested in the name of its president, to compel the attendance of witnesses upon any proceeding authorized by its order, rules and regulations, and the board of police shall possess and exercise the same powers to compel obedience by witnesses to the mandate of subpoenas issued in pursuance of this section, and to require such witnesses to give testimony in any such proceeding, as are possessed and exercised by the supreme court of the State of New York in respect to persons who are subpoenaed as witnesses in cases and proceedings in or before such court, but all subpoenas, attachments and orders of the board of police issued in pursuance of this section, shall be served and executed by a member of the police force. Each commissioner of police, the superintendent thereof, and the chief clerk and first deputy thereof, and counsel of said board, are hereby authorized and empowered to administer oaths and affirmations to any persons appearing in any matter or proceeding authorized as aforesaid, and in all matters pertaining to the police department or the duties of any officer thereof, and to take any depositions necessary or proper to be made under the orders, rules and regulations of the board of police, or for the purposes of this act. Any person making a complaint that a felony or misdemeanor has been committed, may be required to make affirmation or oath thereto, and for this purpose the inspectors, captains and sergeants of police shall have power to administer affirmations and oaths. Any willful and corrupt false swearing by any witness or person, to any material fact in any necessary or proper proceeding under the provisions of law or the said orders, rules and regulations, or under this act, shall be deemed perjury, and punished in the manner prescribed by law for such offense.

"§ 2. This act shall take effect immediately."

Amend the title so as to read "An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873."

The amendments having been read,

Mr. Waehner moved to non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Waehner, Faulkner, Keenan, Vedder and Struble.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out section 1 and insert the following:

"SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of removing obstructions in and improving the navigation of the Hudson river at and between the city of Troy and the town of Catskill, and for deepening and widening the channel of said river, when it is necessary, between the said city of Troy and said town of Catskill. Ten thousand dollars of the sixty thousand dollars appropriated, as provided for in this section, is hereby set apart for the purpose of deepening the waters in Catskill creek between its mouth and the new iron bridge."

Section 2, strike out all of line 2, commencing with the word "Alfred" down to and including the word "Farnham" in line 3, and insert in lieu thereof the following: "The Auditor of the Canal Department and the Canal Commission of the eastern division."

Section 3, like 6, strike out the word "fifty" and insert the word "sixty."

Insert the following as section 4:

"§ 4. The furnishing of all the materials and the doing of all the work shall be by contract or contracts. All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the commissioner in the State paper once in each week for four weeks consecutively, immediately preceding the letting of said contract; the notice of letting to be signed by the commissioner shall state the work to be let, the quality, quantity and kind of materials to be bid for, and the length of time which will be given for the completion of the work, or the delivery of the materials, the amount of security required, the bonds to be furnished for the faithful performance of the contract."

Section 5, line 16, after the word "river" insert the words "or Catskill creek." Same section, line 18, strike out the word "Coxsackie" and insert the word "Catskill."

Change the number of sections to correspond.

Amend the title so as to read "An act for the improvement of the navigation of the Hudson river and Catskill creek, and to make an appropriation therefor."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 4 }

Those who voted in the affirmative, were

Alvord	Ely	Kirk	Sherwood
Barkley	Farrar	Krack	Silverman
Beach	Faulkner	Law	Smith
Beardsley	Fish	Lawrence	Speaker
Benedict	Friend	Lawson	Stephens
Bennett	Gallagher	Lillybridge	Struble

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1809

Berry	Gedney	Lincoln	G. Taylor
Bishop	Green	Mackin	Tewksbury
Bordwell	Griffin	Merwin	Tremain
Bradley	Hammond	Oakley	Vedder
Braman	Hanrahan	O'Keefe	Vosburgh
Broas	Hauschel	Page	Wachner
Brogan	Hogan	Pope	Wellington
Brown	Houghton	Prince	Wenzel
Burtis	Husted	Reilly	West
Calkins	Ives	Rich	Whitmore
T. C. Campbell	W. Johnson	Sanford	Willis
Cooke	W. A. Johnson	Schuyler	Witbeck
Costigan	Keenan	Seward	Worth
Decker	Kennaday	Sherman	Wurts
Edson			

Those who voted in the negative, were

Hepburn	Peck	Petty	Schieffelin
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*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to legalize the acts of the several boards of health in the towns of Kings county and in the towns of Newtown, Flushing and Jamaica, in the county of Queens," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 5, strike out the words "in the capacity of" and insert the words "while acting as." Lines 7 and 8, strike out the words "are hereby legalized and confirmed," and insert in lieu thereof the words "shall have the same force and effect and validity as they would have had if such supervisor and justices had been a legally constituted board of health at the time said acts were done; but nothing herein contained shall affect any action or proceeding now pending in any court of this State."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schenck
Barkley	Edson	Law	Schuyler
Barrow	Ely	Lawrence	Scudder
Beardsley	Farrar	Lawson	Shattuck
Bennett	Faulkner	Lewis	Sherwood
Berry	Fay	Lincoln	Shiel
Bordwell	Fish	Mackin	Silverman
Bowen	Friend	McGowan	Slingerland
Bradley	Gallagher	McGroarty	Smith
Braman	Gedney	Merwin	Stephens
Broas	Hammond	W. Miller	Struble



Brown	Hanrahan	Muller	Talmage
Burtis	Hauschel	O'Keefe	G. Taylor
Calkins	Hess	Page	W. F. Taylor
T. C. Campbell	Hogan	Peck	Vedder
Clark	Holmes	Pierson	Vosburgh
Cleary	Hussey	Pope	West
Cole	Husted	Ransom	Whitmore
Comstock	Ives	Reilly	Witbeck
Cooke	W. A. Johnson	Rich	Worth
Costigan	Kennaday	Russell	Wurts
Daly	Kirk	Sanford	Yost
Decker	Krack		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Pierson moved to lay the present order of business on the table for the purpose of offering a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 74 }  
{ NOES 7 }

Those who voted in the affirmative, were

Barkley	Faulkner	Law	Schenck
Barrow	Fish	Lawrence	Schieffelin
Beach	Friend	Lawson	Schuyler
Beardsley	Gallagher	Lewis	Scudder
Berry	Gedney	Lillybridge	Seward
Bishop	Green	Lincoln	Shattuck
Bordwell	Hauschel	Mackin	Sherwood
Bowen	Hepburn	McGroarty	Silverman
Braman	Hinckley	Muller	Struble
Broas	Holmes	Page	G. Taylor
Brogan	Houghton	Petty	Tewksbury
Calkins	Hussey	Pierson	Vosburgh
T. C. Campbell	Husted	Pope	Wellington
Clark	Ives	Prince	Whitmore
Comstock	W. A. Johnson	Reilly	Willis
Costigan	Keenan	Rich	Witbeck
Decker	Kennaday	Russell	Worth
Edson	Kirk	Sanford	Wurts
Farrar	Krack		

Those who voted in the negative, were

Alvord	Cooke	Merwin	Speaker
Benedict	Hogan	Sherman	

Mr. Pierson offered for the consideration of the House a resolution, in the words following :

*Resolved,* That the committee to whom was referred Senate bill No. 156, entitled "An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," be discharged from the further consideration thereof, and that the same now have its third reading.



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The bill entitled "An act authorizing the payment of William A. Dunn for services as doorkeeper of the Assembly," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Soudder
Barkley	Farrar	Lawrence	Seward
Beach	Faulkner	Lawson	Shattuck
Beardsley	Fay	Lewis	Sherman
Benedict	Fish	Lillybridge	Sherwood
Bennett	Friend	Lincoln	Silverman
Berry	Gallagher	Mackin	Smith
Bordwell	Gedney	Merwin	Speaker
Bowen	Griffin	O'Keefe	Stephens
Bradley	Hanrahan	Page	Struble
Braman	Hauschel	Petty	G. Taylor
Broas	Hepburn	Pierson	W. F. Taylor
Brogan	Hinckley	Pope	Vedder
Brown	Holmes	Prince	Vosburgh
Calkins	Houghton	Reilly	Wellington
T. C. Campbell	Hussey	Rich	Wenzel
Clark	Husted	Roscoe	West
Cole	Ives	Russell	Whitmore
Comstock	W. A. Johnson	Sanford	Witbeck
Cooke	Keenan	Schenck	Worth
Decker	Kennaday	Schieffelin	Wurts
Edson	Krack	Schuyler	

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Hauschel moved to reconsider the vote by which the amendments to the bill entitled "An act authorizing the common council of the city of New York to re-open a part of Bloomingdale road or Broadway in the city of New York," were concurred in.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Seward
Barkley	Farrar	Lawrence	Shattuck

Beardsley	Faulkner	Lawson	Sherman
Benedict	Fay	Lincoln	Shiel
Bennett .	Fish	McAfee	Silverman
Berry	Friend	McGowan	Smith
Bordwell	Gallagher	McGroarty	Speaker
Bowen	Gedney	Muller	Stephens
Bradley	Griffin	Oakley	Struble
Broas	Hanrahan	O'Keefe	G. Taylor
Burtis	Hanschel	Page	W. F. Taylor
Calkins	Hess	Petty	Tewksbury
T. C. Campbell	Hinckley	Pierson	Vedder
Clark	Hogan	Pope	Vosburgh
Cleary	Houghton	Ransom	Wellington
Cole	Hussey	Reilly	Wenzel
Comstock	Husted	Roscoe	Whitmore
Cooke	Ives	Russell	Willis
Costigan	W. Johnson	Sanford	Witbeck
Daly	Keenan	Schenck	Worth
Decker	Kirk	Schieffelin	Wurts
Edson	Krack	Scudder	Yost

Mr. Schieffelin moved to lay the present order of business on the table, in order to introduce a resolution.

Mr. Alvord moved to lay said motion on the table.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

The Senate bill entitled "An act to prevent and punish persons trespassing upon private lands by landing any vessel, boat, scow or other craft upon or along the shores of Seneca lake," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 39 }  
{ NOES 42 }

Those who voted in the affirmative, were

Alvord	Clark	Green	Law
Barkley	Comstock	Griffin	Lewis
Beardsley	Cooke	Hammond	Oakley
Benedict .	Daly	Hanrahan	Page
Bennett	Edson	Hess	Rich
Bishop	Ely	Hogan	Roscoe
Bradley	Farrar	Houghton	Tremain
Braman	Faulkner	Husted	Vosburgh
Broas	Fish	W. Johnson	Waeher
Brown	Friend	Krack	

Those who voted in the negative, were

Bowen	Holmes	Reilly	Stauf
Burtis	Ives	Sanford	Struble
Calkins	Kirk	Schenck	Tewksbury
T. C. Campbell	Lawrence	Schieffelin	Vedder
Coffey	Lawson	Schuyler	Wellington

Cole	Lillybridge	Scudder	Wenzel
Gallagher	Lincoln	Shattuck	West
Gedney	Mackin	Sherman	Whitmore
Hauschel	Muller	Sherwood	Witbeck
Hepburn	Petty	Smith	Wurts
Hinckley	Pope		

Mr. Hammond moved to reconsider the vote just taken, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate bill entitled "An act to amend chapter 757 of the Laws of 1873, entitled 'An act to amend chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,' passed April 13, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Dessar	Kirk	Schenck
Barkley	Edson	Krack	Schieffelin
Beardsley	Ely	Law	Scudder
Bennett	Farrar	Lawrence	Shattuck
Berry	Faulkner	Lawson	Sherwood
Bordwell	Fay	Lewis	Silverman
Bowen	Friend	Lincoln	Slingerland
Bradley	Gallagher	Mackin	Speaker
Braman	Griffin	McGowan	Stauf
Brown	Hammond	Merwin	Stephens
Burtis	Hanrahan	W. Miller	Struble
Calkins	Hepburn	Muller	Talmage
T. C. Campbell	Hess	O'Keefe	G. Taylor
Clark	Hogan	Page	Vedder
Cleary	Holmes	Petty	Waehner
Coffey	Houghton	Pierson	Wenzel
Comstock	Husted	Prince	Whitmore
Cooke	Ives	Ransom	Witbeck
Costigan	W. Johnson	Reilly	Worth
Daggett	W. A. Johnson	Roscoe	Wurts
Davis	Keenan	Russell	Yost

For the negative,

Tewksbury

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," was read a third time.

Mr Speaker put the question whether the House would agree to the

final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 6 }

Those who voted in the affirmative, were

Barkley	Faulkner	Krack	Schuyler
Beardsley	Fay	Law	Seward
Berry	Fish	Lawrence	Shattuck
Bishop	Friend	Lawson	Sherwood
Bordwell	Gallagher	Lewis	Silverman
Bowen	Gedney	Lillybridge	Smith
Braman	Green	Lincoln	Stauf
Broas	Griffin	Mackin	Stephens
Brogan	Hanrahan	McGroarty	Struble
Brown	Hauschel	Muller	G. Taylor
Burtis	Hepburn	Page	W. F. Taylor
Calkins	Hess	Petty	Tewksbury
T. C. Campbell	Hinckley	Pierson	Tremain
T. J. Campbell	Holmes	Pope	Vedder
Clark	Houghton	Prince	Wellington
Cole	Husted	Ransom	Wenzel
Comstock	Ives	Reilly	West
Daggett	W. Johnson	Rich	Whitmore
Daly	W. A. Johnson	Roscoe	Willis
Decker	Keenan	Sanford	Witbeck
Dessar	Kennaday	Schenck	Worth
Edson	Kirk	Schieffelin	Wurts
Farrar			

Those who voted in the negative, were

Alvord	Cooke	Merwin	Sherman
Benedict	Hogan		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act in relation to the county court-house and jail in Queens county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kennaday	Schenck
Barkley	Ely	Kirk	Scudder
Beardsley	Farrar	Krack	Seward
Benedict	Faulkner	Kshinka	Sherman
Berry	Fay	Law	Sherwood
Bishop	Fish	Lewis	Silverman

Bordwell	Friend	Lincoln	Smith
Bradley	Gallagher	Mackin	Stauf
Braman	Green	McGowan	Struble
Broas	Griffin	McGroarty	G. Taylor
Brogan	Hammond	Muller	W. F. Taylor
Brown	Hanrahan	Oakley	Tremain
Burtis	Hepburn	O'Keefe	Vedder
Calkins	Hess	Page	Waehner
T. C. Campbell	Hogan	Petty	Wellington
Clark	Holmes	Pierson	West
Cleary	Houghton	Prince	Willis
Cole	Hussey	Ransom	Witbeck
Comstock	Ives	Reilly	Worth
Costigan	W. Johnson	Roscoe	Wurts
Daly	W. A. Johnson	Sanford	Yost
Decker			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to permit the town officers of the county of Rockland to take the oath of office prescribed by the Constitution," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Scudder
Barkley	Ely	Law	Seward
Beach	Farrar	Lawrence	Sherman
Beardsley	Faulkner	Lawson	Shiel
Bennett	Fay	Lewis	Silverman
Bishop	Fish	Lincoln	Smith
Bordwell	Gallagher	Mackin	Speaker
Bradley	Green	McGowan	Stauf
Broas	Griffin	Merwin	Stephens
Brogan	Hammond	Muller	Talmage
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hepburn	Page	Tewksbury
T. C. Campbell	Hess	Peck	Tremain
T. J. Campbell	Hogan	Pierson	Vosburgh
Clark	Holmes	Pope	Wellington
Cleary	Hussey	Ransom	West
Cole	Husted	Reilly	Whitmore
Comstock	Ives	Roscoe	Willis
Costigan	W. Johnson	Russell	Worth
Daggett	Keenan	Schenck	Wurts
Davis	Kirk	Schieffelin	Yost
Decker	Krack		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to provide for the change of the name of the Ninth Ward Bank of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Scudder
Barkley	Dessar	Krack	Seward
Barrow	Edson	Law	Sherman
Beardsley	Farrar	Lawrence	Shiel
Benedict	Faulkner	Lawson	Silverman
Berry	Fish	Lewis	Smith
Bishop	Friend	Lincoln	Speaker
Bowen	Gallagher	McAfee	Stauf
Bradley	Green	McGowan	Stephens
Broas	Griffin	McGroarty	Talmage
Brogan	Hammond	Merwin	G. Taylor
Burtis	Hauschel	W. Miller	Tremain
Calkins	Hepburn	Oakley	Vedder
T. C. Campbell	Hess	Page	Waehner
T. J. Campbell	Hogan	Peck	Wellington
Clark	Holmes	Pierson	West
Cleary	Hussey	Prince	Whitmore
Cole	Husted	Ransom	Witbeck
Comstock	Ives	Rich	Worth
Cooke	W. Johnson	Russell	Wurts
Daggett	W. A. Johnson	Schenck	Yost
Daly	Kennaday	Schieffelin	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to repeal chapter 479 of the Laws of 1874, entitled 'An act to authorize the construction and use of a railroad in the city of Brooklyn and county of Kings, and the towns of Newtown and Jamaica, in the county of Queens,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Davis	Kirk	Seward
Barkley	Decker	Lawrence	Sherman
Barrow	Edson	Lawson	Sherwood
Beach	Ely	Lewis	Shiel
Benedict	Faulkner	Lincoln	Slingerland

MAY 20.]

1817

Bennett	Fay	Mackin	Smith
Bishop	Fish	McGowan	Speaker
Bowen	Friend	Merwin	Stephens
Bradley	Gallagher	W. Miller	Struble
Brogan	Green	Oakley	Talmage
Brown	Hammond	Page	W. F. Taylor
Calkins	Hanrahan	Peck	Tremain
T. C. Campbell	Hess	Pierson	Vedder
T. J. Campbell	Hogan	Pope	Waehner
Clark	Houghton	Ransom	Wenzel
Cleary	Hussey	Reilly	Willis
Cole	Husted	Roscoe	Witbeck
Comstock	Ives	Russell	Worth
Costigan	Keenan	Schenck	Wurts
Daggett	Kennaday	Souder	Yost

Those who voted in the negative, were

Gedney	Krack	McGroarty	Wellington
Hepburn			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Mohawk,' passed April 17, 1861," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Davis	Krack	Schuyler
Barkley	Decker	Kshinka	Seward
Beach	Edson	Law	Shattuck
Beardsley	Ely	Lawson	Sherman
Benedict	Farrar	Lewis	Shiel
Berry	Faulkner	Lincoln	Silverman
Bishop	Fay	Mackin	Slingerland
Bordwell	Fish	McAfee	Smith
Bowen	Friend	McGowan	Speaker
Bradley	Gallagher	McGroarty	Stauf
Braman	Green	Merwin	Stephens
Broas	Griffin	W. Miller	Talmage
Brogan	Hammond	Oakley	G. Taylor
Burtis	Hanrahan	O'Keefe	Tewksbury
Calkins	Hepburn	Peck	Tremain
T. C. Campbell	Hess	Petty	Vosburgh
T. J. Campbell	Hogan	Pope	Waehner
Clark	Holmes	Ransom	Wenzel
Coffey	Hussey	Reilly	West



Cole	Husted	Rich	Willis
Comstock	Ives	Russell	Witbeck
Cooke	W. A. Johnson	Sanford	Wurts
Costigan	Kennaday	Schenck	Yost
Daly	Kirk		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend an act entitled 'An act supplementary to an act in relation to a public park in the city of Albany,' passed April 28, 1870, and the act in relation to Washington park of the city of Albany, passed March 11, 1873," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kennaday	Rich
Barkley	Davis	Kirk	Russell
Barrow	Dessar	Krack	Sanford
Beach	Edson	Kshinka	Schieffelin
Beardsley	Ely	Law	Schuyler
Benedict	Faulkner	Lawrence	Seward
Bishop	Fay	Lawson	Shattuck
Bordwell	Fish	Lewis	Shiel
Bowen	Friend	Lillybridge	Slingerland
Braman	Gedney	Mackin	Smith
Broas	Green	McAfee	Stauf
Brogan	Hammond	McGroarty	Struble
Brown	Hanrahan	Merwin	G. Taylor
Burtis	Hauschel	W. Miller	Tewksbury
Calkins	Hess	Oakley	Vedder
T. C. Campbell	Hinckley	O'Keefe	Waehner
T. J. Campbell	Hogan	Peck	Wenzel
Clark	Holmes	Petty	Whitmore
Cleary	Hussey	Pope	Witbeck
Cole	Husted	Prince	Wurts
Comstock	Ives	Reilly	Yost
Costigan	W. A. Johnson		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend section 14 of title 3 of chapter 7 of part 3 of the Revised Statutes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**MAY 20.]**

**1819**

**{ AYES 81 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Daly	Kennaday	Schuyler
Barkley	Dessar	Krack	Seward
Barrow	Edson	Kshinka	Sherman
Beach	Farrar	Law	Shiel
Benedict	Faulkner	Lawson	Silverman
Bennett	Fish	Lewis	Smith
Berry	Friend	Lincoln	Speaker
Bordwell	Gedney	Mackin	Stauf
Bradley	Green	McGowan	Struble
Braman	Hammond	Merwin	Talmage
Brogan	Hanrahan	W. Miller	W. F. Taylor
Brown	Hepburn	Oakley	Tewksbury
Burtis	Hess	O'Keefe	Vedder
Calkins	Hogan	Peck	Waehner
T. C. Campbell	Holmes	Pierson	Wenzel
T. J. Campbell	Houghton	Pope	Whitmore
Clark	Hussey	Ransom	Willis
Coffey	Ives	Rich	Witbeck
Cole	W. Johnson	Sanford	Wurts
Comstock	W. A. Johnson	Schenck	Yost
Daggett			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to regulate investments by insurance companies," as amended, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**{ AYES 66 }**  
**{ NOES 12 }**

**Those who voted in the affirmative, were**

Alvord	Daggett	Lawson	Shiel
Barkley	Dessar	Lewis	Silverman
Barrow	Fish	Lillybridge	Smith
Beach	Gedney	Lincoln	Speaker
Beardsley	Green	McGroarty	Stauf
Bennett	Griffin	Muller	Struble
Bishop	Hanrahan	Oakley	W. F. Taylor
Bordwell	Hepburn	O'Keefe	Tewksbury
Bowen	Hess	Petty	Vedder
Braman	Hinckley	Pierson	Vosburgh
Broas	Houghton	Ransom	Wellington
Calkins	Husted	Reilly	West
T. J. Campbell	W. Johnson	Roscoe	Willis
Clark	Keenan	Russell	Worth
Cleary	Kirk	Shattuck	Wurts
Coffey	Krack	Sherwood	Yost
Comstock	Law		

Those who voted in the negative, were

T. C. Campbell	Hammond	Mackin	Schieffelin
Cooke	Holmes	McGowan	Schuyler
Ely	Ives	Schenck	Soudder

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The Senate bill entitled "An act in relation to the prepayment of the fees of sheriffs upon execution," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daly	Kirk	Schieffelin
Barkley	Decker	Krack	Seward
Barrow	Dessar	Law	Shattuck
Beardsley	Ely	Lawrence	Sherman
Benedict	Farrar	Lawson	Shiel
Bennett	Faulkner	Lewis	Silverman
Berry	Fay	Lincoln	Smith
Bordwell	Fish	Mackin	Stauf
Bowen	Friend	McGowan	Stephens
Bradley	Gallagher	McGroarty	Struble
Braman	Gedney	Merwin	G. Taylor
Broas	Green	Muller	W. F. Taylor
Brown	Hammond	Oakley	Tewksbury
Burtis	Hanrahan	Page	Vedder
Calkins	Hepburn	Peck	Vosburgh
T. C. Campbell	Hinckley	Pierson	Wellington
T. J. Campbell	Hogan	Pope	West
Clark	Houghton	Ransom	Whitmore
Coffey	Husted	Reilly	Willis
Cole	Ives	Rich	Worth
Comstock	W. Johnson	Russell	Wurts
Cooke	Kennaday	Schenck	Yost
Daggett			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to provide for the completion and publication of the map of the Adirondack survey," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 5 }

Those who voted in the affirmative, were

Alvord	Costigan	Kennaday	Ransom
Barkley	Daly	Kirk	Reilly
Beach	Decker	Krack	Sanford
Beardsley	Edson	Kshinka	Schieffelin
Benedict	Ely	Law	Sherwood
Berry	Farrar	Lawrence	Shiel
Bishop	Faulkner	Lillybridge	Smith
Bowen	Fay	Lincoln	Speaker
Bradley	Friend	Mackin	Stauf
Braman	Gallagher	McAfee	Stephens
Broas	Gedney	McGowan	G. Taylor
Brown	Green	McGroarty	Tewksbury
Burtis	Griffin	Merwin	Vedder
Calkins	Hanrahan	Oakley	Vosburgh
T. C. Campbell	Hauschel	O'Keefe	Wenzel
T. J. Campbell	Hepburn	Page	West
Clark	Hess	Peck	Whitmore
Cleary	Houghton	Petty	Willis
Cole	Husted	Pope	Witbeck
Comstock	W. A. Johnson	Prince	Yost
Cooke	Keenan		

Those who voted in the negative, were

Hogan	Ives	Lewis	Rich
Holmes			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent,

Mr. Mackin, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Bradley, Int. No. 437, entitled "An act to authorize towns, cities and villages to pay their bonds issued for railroad purposes, by exchanging therefor their railroad stock or bonds, and to exchange their stock of any railroad corporation for the bonds of such corporation," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Alvord, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Kshinka	Schuyler
Barrow	Faulkner	Law	Seward
Beardsley	Fay	Lawrence	Shattuck
Bennett	Fish	Lewis	Sherman

Berry	Friend	Lillybridge	Shiel
Bishop	Gallagher	Lincoln	Silverman
Bordwell	Gedney	McAfee	Smith
Bradley	Green	McGowan	Stauf
Braman	Hanrahan	McGroarty	Stephens
Broas	Hauschel	Merwin	Struble
Brogan	Hepburn	J. W. Miller	Talmage
Burtis	Hess	W. Miller	G. Taylor
Calkins	Hinckley	Muller	W. F. Taylor
T. C. Campbell	Hogan	Oakley	Tremain
T. J. Campbell	Houghton	Page	Vedder
Clark	Hussey	Peck	Wellington
Coffey	Husted	Pierson	Wenzel
Cole	Ives	Pope	Whitmore
Cooke	W. Johnson	Ransom	Witbeck
Daly	Keenan	Rich	Worth
Decker	Kirk	Sanford	Wurts
Dessar	Krack	Schenck	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Kennaday moved to take from the table the motion to reconsider the vote on the final passage of the bill entitled "An act to amend chapter 145 of the Laws of 1867, entitled 'An act to regulate the use of certain slips, piers and wharves on the East river in the city of New York,' passed May 23, 1867."

Mr. Waehner moved to adjourn until to-morrow morning at 10½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Waehner, and it was determined in the affirmative.

Thereupon, at 5 o'clock and 45 minutes, the House adjourned.

## FRIDAY, MAY 21, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

The Senate returned the bill entitled "An act further to provide for the construction and operation of a steam railway or railways in counties of the State," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 4, line 14, strike out the words "and not already" and insert the words "and except such portions of streets and avenues as are already legally designated for the main line of or." Line 15, after the word "operation" insert the word "and." Line 19, after the words "United States" insert the words "and except that portion of the city of Buffalo lying between Michigan and Main streets."

Section 36, strike out all of the section, and insert the following:

"§ 36. Whenever the route or routes determined upon by said com-

missioner coincide with the route or routes covered by the charter of an existing corporation formed for the purpose provided for by this act, and such corporation shall fail to commence the construction of its railway within twelve months after the passage of this act and proceed with the same until some section or portion thereof is in actual operation, the power to construct and operate such railway or railways shall, upon such failure, be conditioned upon fulfillment of the requirements and conditions imposed by said commissioners as a corporation formed under this act. Upon the application of any existing company under charter for building and operating an elevated rapid transit railroad in any of the cities of the State, the said commissioners may, on being satisfied that such railroad will be built, authorize a change of structure from that authorized by such charter to any other structure of an elevated railroad approved by them, which shall also be approved by the company making the application, or to a railroad to be in part elevated and in part built and operated in or upon or under any street, road or avenue along the route located, designated and established for such railroad, and to authorize on like application and on being satisfied as aforesaid, a change of the location and distance of the piers or supports of the structure of the elevated railroad authorized to any part of the roadway or sidewalk along the same, and the said commissioners may fix and determine the route or routes by which any elevated steam railway or railways now in actual operation may connect with other steam railways or the depots thereof, or with steam ferries, upon fulfillment by such elevated steam railway company, so far as it relates to such connection, of such of the requirements and conditions imposed by said commissioners under section 4 of this act as are necessary to be fulfilled in such cases under section 18 of article 3 of the Constitution of this State, and such connecting elevated railway shall in such case possess all the powers conferred by section 26 of this act; and when any connecting route or routes shall be so designated, such elevated railway company may construct such connection with all the rights and with like effect as though the same had been a part of the original route of such railways, and provided that none of the provisions of this act shall be construed to alter, change, abridge or impair any rights acquired under or by virtue of any law of this State at any time in force prior to the passage of this act."

Insert as section 40 the following :

"§ 40. This act shall not be construed to repeal or in any manner to affect chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' or the several acts amendatory thereof or supplementary thereto. None of the provisions of this act, except as to elevated railways, shall apply to any railroad company organized under any general or special law of this State whose railroad shall have been partially or wholly constructed, nor to the operation or management of any railroad heretofore constructed, nor to any railroad company organized to construct a railroad outside the city of New York."

Insert as section 41 the following :

"§ 41. It shall not be lawful for any company organized under the provisions of this act, or under any other act heretofore passed, to construct a railway upon Saint Nicholas avenue in the city of New York, or those streets or avenues in said city commonly known as boulevards, except to cross the same, under such regulation as shall be imposed by

the commissioners provided for by this act. And every such company shall be bound by the restrictions and limitations as to its route and as to its mode of construction, which shall be established by the commissioners appointed under the acts from which its powers were derived, as far as such restrictions and limitations are consistent with the provisions of this act."

Change section 40 to section 42.

The amendments having been read,

Mr. Husted moved that the Assembly do non-concur in the same, that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Husted, Oakley, Seward, Daly and McGowan as such committee.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

The Senate returned the resolution relative to the final adjournment of the Legislature, with a message informing of concurrence in the passage of the same, with the following amendment :

Strike out the words "Friday, the 23d inst.," and insert the words "Saturday, the 22d day of May."

On motion of Mr. Alvord, said resolution was laid on the table, with the right to be called up at any time.

By unanimous consent,

Mr. G. Taylor, from the committee on public education, to which was referred the Senate bill introduced by Mr. Wellman, Int. No. 236, entitled "An act to authorize cities, towns and villages to establish and maintain free public libraries and reading rooms," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. G. Taylor, and by unanimous consent, said bill was ordered to a third reading.

Mr. Wenzel offered for the consideration of the House a resolution, in the words following :

*Resolved*, That the sub-committee of the whole be discharged from the further consideration of Assembly bill No. 483, G. O. 492, entitled "An act to incorporate the Narrowsburgh Bridge Company," and that it now have its third reading.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Barkley  
Beardsley  
Benedict

Daly  
Decker  
Dessar  
Edson

Kirk  
Kshinka  
Lawson  
Lewis

Schenck  
Schuyler  
Scudder  
Seward



Berry	Ely	Lincoln	Sherman
Bishop	Farrar	Mackin	Sherwood
Bordwell	Fay	McAfee	Shiel
Bradley	Fish	McGowan	Silverman
Braman	Friend	McGroarty	Smith
Broas	Gallagher	Merwin	Speaker
Brogan	Gedney	Oakley	Stauf
Brown	Green	O'Keefe	G. Taylor
Burtis	Hanrahan	Page	Wellington
Calkins	Hauschel	Petty	Wenzel
T. C. Campbell	Hess	Pierson	West
T. J. Campbell	Holmes	Pope	Whitmore
Clark	Houghton	Prince	Willis
Comstock	Husted	Rich	Witbeck
Cooke	Keenan	Roscoe	Wurts
Costigan			

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Prince moved to lay the present order of business on the table for the purpose of introducing a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince offered for the consideration of the House a resolution, in the words following :

*Resolved*, That three thousand copies of the general supervisor act, two thousand copies of the general corporation act, and one thousand copies of the general savings banks act, as finally passed, be printed for the use of the Assembly, to be printed and distributed under the direction of the Clerk.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Prince moved to lay all orders of business on the table for the purpose of making a motion relative to the foregoing resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

{ AYES 53 }  
{ NOES 42 }

Those who voted in the affirmative were,

Benedict	Gallagher	Lawson	Russell
Berry	Green	Lewis	Sanford
Bishop	Hanrahan	Lillybridge	Scudder
Bordwell	Hauschel	Lincoln	Seward
Bradley	Hepburn	Mackin	Sherman
Broas	Hinckley	McGroarty	W. F. Taylor
Brown	Houghton	Merwin	Tremain
Calkins	Hussey	O'Keefe	Vedder
Clark	Ives	Peck	Wellington
Coffey	W. A. Johnson	Petty	Wenzel
Comstock	Keenan	Pope	West
Daggett	Kshinka	Prince	Whitmore
Decker	Law	Reilly	Willis
Farrar			

Those who voted in the negative, were

Alvord	Edson	Lawrence	Shiel
Bowen	Faulkner	McGowan	Silverman
Brogan	Fish	Oakley	Smith
T. C. Campbell	Gedney	Page	Speaker
T. J. Campbell	Griffin	Pierson	G. Taylor
Cleary	Hammond	Roscoe	Vosburgh
Cole	Hess	Schenck	Waehner
Cooke	Hogan	Schieffelin	Witbeck
Costigan	Holmes	Schuyler	Wurts
Daly	W. Johnson	Shattuck	Yost
Davis	Kirk		

The Senate returned the bill entitled "An act to amend the charter of the city of Brooklyn," with a message informing of assent to a committee of conference thereon, and have appointed as such committee Messrs. Jacobs, Tobey and Middleton.

The Senate returned the bill entitled "An act in relation to the police department in the city of New York," with a message informing of assent to a committee of conference thereon, and have appointed as such committee Messrs. Gross, Robertson and Woodin.

By unanimous consent, Mr. Costigan offered for the consideration of the House a resolution in the words following:

*Resolved*, That the Clerk be directed to cause the files of the Assembly to be arranged in such manner that papers when wanted can be readily found; that papers relating to bills passed be separated and labeled; that all petitions and papers connected with bills which have been under consideration within the last five years, and have not been passed into laws, be arranged alphabetically according to subjects, and that a catalogue of the same be printed and placed on the files of the next Legislature.

Mr. Waehner moved to refer said resolution to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bills entitled as follows:

"An act to legalize the acts of the several boards of health in the towns of Kings county, and in the towns of Newtown, Flushing and Jamaica, in the county of Queens."

"An act in relation to the Inebriates' Home for Kings county, and to amend chapter 687 of the Laws of 1872, entitled 'An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act supplementary to chapter 511 of the Laws of 1874, entitled 'An act to amend chapter 721 of the Laws of 1871, entitled An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to provide for the improvement of Thirty-ninth street, in the city of Brooklyn."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill entitled "An act to facilitate the

distribution of the property and effects of the American Tontine Life and Savings Insurance Company of New York," with a message informing of concurrence in the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to provide ways and means for the support of government."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Husted offered for the consideration of the House a resolution, in the words following:

*Whereas*, It is against the settled policy of this State to allow imprisonment for debt; and,

*Whereas*, It is a matter of public notoriety that many persons are confined in the jail of the county of New York upon civil process only; therefore,

*Resolved*, That the select committee appointed to inquire into the causes, as far as possible, of the great increase of crime in the city of New York are hereby empowered and directed to investigate the management of the Ludlow street jail in said city, and to report in connection with the other subjects upon which they are empowered to act, a statement of the nature of the process upon which they are so confined, and in all cases where such detention is upon civil process only, with a full statement of the nature of the charges or allegations upon which such process was issued; and of the mode in which such allegations were supported by proof before the magistrate or officer issuing such process, and further to report what legislation is necessary to insure reasonable exemption from the arbitrary and unjust imprisonment and detention of all citizens of this State; and that said committee have power to employ counsel if necessary.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Schieffelin moved to lay all orders of business on the table, for the purpose of introducing a resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

} AYES 52 {  
} NOES 52 {

Those who voted in the affirmative, were

Benedict	Daly	Houghton	Schieffelin
Bennett	Davis	Ives	Schuyler
Bishop	Dessar	W. A. Johnson	Seward
Brogan	Edson	Kshinka	Sherman
Brown	Friend	McGowan	Sherwood
Burtis	Hammond	O'Keefe	Silverman
Calkins	Hanrahan	Petty	Smith
T. C. Campbell	Hauschel	Pierson	Speaker
T. J. Campbell	Hepburn	Pope	Stauf
Clark	Hess	Prince	Stephens
Cleary	Hinckley	Reilly	G. Taylor
Cooke	Hogan	Roscoe	Wenzel
Costigan	Holmes	Russell	Wilis

Those who voted in the negative, were

Alvord	Farrar	Lawson	Shattuck
Barkley	Faulkner	Lewis	Shiel
Beardsley	Fish	Lillybridge	Tewksbury
Bordwell	Gallagher	Lincoln	Tremain
Bowen	Gedney	Mackin	Vedder
Broas	Green	Merwin	Vosburgh
Bradley	Griffin	Muller	Waehner
Coffey	Hussey	Page	Wellington
Cole	W. Johnson	Peck	West
Comstock	Kirk	Rich	Whitmore
Daggett	Krack	Sanford	Witbeck
Decker	Law	Schenck	Wurts
Ely	Lawrence	Scudder	Yost

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act in relation to the powers of boards of supervisors in the several counties of the State, in the election or appointment of railroad commissioners," in the words following:

That the Assembly recede from its disagreement to the first amendment of the Senate, and agree to the same amended as follows:

Insert, after the word "State," in line 2 of section 1, the words "except in the towns of Middlefield, Otsego and Cherry Valley, in the county of Otsego," also strike out the word "five," and insert the word "three," in line 6 of the same section; and that the Senate agree to the same as thus amended.

That the Assembly agree to the amendments of the Senate to the said bill amended by the addition of a new section, as follows:

Insert as section 3 the following:

"§ 3. The commissioners appointed under this act shall, before entering upon their duties, and within ten days after notice of their appointment, execute to the people of the State a bond with two sureties, to be approved by the supervisor of the town and the justices of the peace of said town, or a majority thereof, the supervisor being present, with their indorsement thereon, and filed in the town clerk's office of said town, in the penal sum of double the amount of all moneys and securities coming into their hands, and conditioned that they will faithfully discharge their duties as such commissioners, and within ten days after the expiration of their terms of office, pay over to their successors what money and securities may be remaining in their hands as such commissioners, and render to such successors a true account of all moneys and securities received and paid out as such commissioners. All commissioners holding office under any former act or acts are hereby required to execute bonds of like character, and approved in the same manner, within sixty days after the passage of this act."

And that the Senate agree to the amendments as thus amended.

And have amended the title so as to read "An act in relation to railroad commissioners in the several counties of this State."

A. C. McGOWAN,  
JACOB A. GROSS,  
F. W. TOBEY,  
*Senate Committee.*

WILLIAM H. ELY,  
D. M. HOLMES,  
JOHN M. ROSCOE,  
L. BRADFORD PRINCE,  
C. P. VEDDER,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Kirk	Schuyler
Barkley	Daly	Krack	Scudder
Beach	Dessar	Kshinka	Shattuck
Beardsley	Edson	Lawrence	Sherman
Benedict	Ely	Lawson	Sherwood
Berry	Farrar	Lillybridge	Shiel
Bordwell	Faulkner	Lincoln	Slingerland
Bowen	Fay	McAfee	Smith
Bradley	Fish	McGowan	Speaker
Braman	Friend	McGroarty	Stephens
Broas	Gallagher	W. Miller	Talmage
Brogan	Green	Oakley	G. Taylor
Brown	Griffin	Page	Tewksbury
Burtis	Hanrahan	Peck	Vedder
Calkins	Hepburn	Petty	Vosburgh
T. C. Campbell	Hinckley	Pope	Wellington
T. J. Campbell	Hogan	Prince	Wenzel
Clark	Holmes	Reilly	West
Cleary	Hussey	Rich	Willis
Coffey	Husted	Roscoe	Witbeck
Cole	Ives	Sanford	Worth
Comstock	W. Johnson	Schenck	Wurts
Cooke	Kennaday	Schieffelin	Yost
Costigan			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act further to amend section 28 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 14, strike out the word "Cayuga." Line 25, strike out the words "and Cayuga," and change the word "lakes" to "lake." Strike out from and after the word "each," in line 36, down to and including the word "size," in line 40. Add at the end of the section the following: "The taking of fish in the waters of Cayuga lake, its inlets or outlets, or in any of the lakes, ponds or streams in the county of Chenango by any device, except a hook and line, is hereby prohibited. The possession of nets, spears or other device for taking fish, except hooks and lines, is hereby declared unlawful, and such nets, spears or devices, except hooks and lines, may be lawfully destroyed when found in use, or within a distance of twenty rods from the waters of said lake or the inlets or outlets thereof."

Insert as section 2 the following:

"§ 2. During the next five years from the passage of this act no person shall directly or indirectly take or receive any pay or profit or compensation whatever for killing, catching or taking, selling or giving away or hunting any woodcock, partridge or quail in the county of Broome, or Tioga, Chemung, Schuyler, Tompkins, Cortland, Chenango, Madison, Otsego or Delaware. Nor shall any person sell or be profited in any way or manner for any woodcock, partridge or quail during the time aforesaid, killed, caught, found or taken in either of said counties; nor shall any person take or receive any money compensation or thing of value for any woodcock, partridge or quail caught, killed or taken in either of said counties during the time aforesaid; nor shall any person, corporation or company send, take or carry for any pay or profit, any woodcock, partridge or quail out of either of said counties during the time aforesaid; nor shall any person make any money, or have or receive any pay or money or profit or compensation or thing of value for any woodcock, partridge or quail killed, or had or taken or caught or sold, given away in either of said counties during said time. And whoever shall do any act or thing forbidden by this section shall forfeit the sum of twenty-five dollars for doing either of said acts or things, which sums any person may sue for and recover before any justice of the peace in the name of the people of the State of New York, and collect any judgment by execution which may be enforced by levy and sale of property, or the person against whom the execution is issued may be arrested and imprisoned in the county jail not exceeding forty days. And any person who shall violate any provision in or part of this section shall be guilty of a misdemeanor, and may be indicted, convicted and punished therefor in and by any court of oyer and terminer or county court of sessions, and on such a conviction be fined not exceeding fifty dollars or imprisoned in a county jail not exceeding sixty days, or be both fined and imprisoned as aforesaid, for any such offense as is mentioned in this section."

Change section 2 to section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 89 }  
} NOES 1 }

Those who voted in the affirmative, were

Alvord	Farrar	Lawson	Seward
Barkley	Faulkner	Lewis	Shattuck
Beach	Fish	Lincoln	Shiel
Beardsley	Friend	Mackin	Silverman
Benedict	Gallagher	McAfee	Slingerland
Berry	Gedney	McGowan	Smith
Bordwell	Griffin	McGroarty	Stauf
Bradley	Hammond	Merwin	Stephens
Broas	Hanrahan	Muller	Struble
Brown	Hepburn	Oakley	Talmage
Burtis	Hess	Page	G. Taylor

**MAY 21.]**

**1881**

T. C. Campbell	Hinckley	Petty	W. F. Taylor
T. J. Campbell	Houghton	Pierson	Tremain
Clark	Hussey	Pope	Vedder
Cole	Ives	Prince	Waehner
Comstock	W. A. Johnson	Reilly	Wenzel
Cooke	Keenan	Rich	Whitmore
Costigan	Kennaday	Russell	Willis
Daggett	Kirk	Sanford	Witbeck
Daly	Krack	Schieffelin	Worth
Decker	Kshinka	Schuyler	Wurts
Dessar	Lawrence	Scudder	Yost
Edson			

For the negative,

Hogan

*Ordered*, That the Clerk return said bill to the Senate with a message informing of concurrence in their amendments.

The Senate bill entitled "An act to authorize cities, towns and villages to establish free public libraries and reading rooms," being announced for a third reading,

Mr. Hammond moved to refer said bill to the committee on ways and means.

Debate was had thereon, when

Mr. Alvord moved to amend by adding thereto the words "and that the bill be read on the fourth day of July next."

Debate again ensued, when

Mr. T. C. Campbell moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the negative.

{ AYES 19 }  
{ NOES 64 }

Those who voted in the affirmative, were

Alvord	Farrar	Page	Slingerland
Berry	Faulkner	Schenck	Struble
Bradley	Fay	Schieffelin	Tewksbury
Costigan	Fish	Shattuck	Vosburgh
Daggett	Hammond	Shiel	

Those who voted in the negative, were

Barkley	Cole	W. A. Johnson	Schuyler
Beach	Comstock	Keenan	Seward
Beardsley	Cooke	Kennaday	Sherman
Benedict	Daly	Kirk	Sherwood
Bishop	Dessar	Krack	Silverman
Bordwell	Edson	Kshinka	Smith
Bowen	Ely	Lincoln	Stauf
Brogan	Friend	McAfee	G. Taylor
Brown	Gedney	McGroarty	W. F. Taylor
Burtis	Green	Muller	Tremain
Calkins	Hanrahan	O'Keefe	Vedder



T. C. Campbell	Hauschel	Petty	Wellington
T. J. Campbell	Hepburn	Pope	Wenzel
Clark	Hess	Prince	Whitmore
Cleary	Holmes	Reilly	Witbeck
Coffey	Houghton	Russell	Yost

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hammond, and it was determined in the negative.

{ AYES 39 }  
{ NOES 49 }

Those who voted in the affirmative, were

Alvord	Dessar	Kennaday	Shattuck
Barkley	Farrar	Merwin	Speaker
Berry	Fish	O'Keefe	Stauf
Bradley	Hammond	Page	Stephens
Broas	Hess	Pierson	Vosburgh
Brown	Holmes	Roscoe	Wachner
T. J. Campbell	Houghton	Schenck	Wenzel
Costigan	Husted	Schieffelin	Witbeck
Daggett	Ives	Schuyler	Wurts
Decker	W. Johnson	Scudder	

Those who voted in the negative, were

Beach	Fay	Mackin	Smith
Beardsley	Friend	McAfee	Struble
Benedict	Hanrahan	W. Miller	G. Taylor
Bordwell	Hauschel	Petty	W. F. Taylor
Bowen	Hussey	Pope	Tewksbury
Brogan	W. A. Johnson	Prince	Tremain
Burtis	Keenan	Rich	Vedder
Clark	Krack	Russell	Wellington
Cleary	Kshinka	Seward	Whitmore
Coffey	Law	Sherman	Willis
Cole	Lillybridge	Sherwood	Worth
Edson	Lincoln	Slingerland	Yost
Faulkner			

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 26 }  
{ NOES 72 }

Those who voted in the affirmative, were

Beach	Fay	McGowan	Sherwood
Beardsley	Friend	W. Miller	Shiel
Bordwell	Hanrahan	Pope	G. Taylor
Burtis	Hauschel	Prince	Vedder
Clark	Hinckley	Rich	Whitmore
Cole	Houghton	Seward	Worth
Edson	Lawson		

Those who voted in the negative, were

Alvord	Ely	Lewis	Scudder
Barkley	Farrar	Lillybridge	Shattuck
Benedict	Faulkner	Lincoln	Sherman
Berry	Fish	McAfee	Slingerland
Bishop	Green	McGroarty	Smith
Bowen	Griffin	Merwin	Speaker
Bradley	Hammond	Page	Stauf
Broas	Hess	Peck	Stephens
Brogan	Hogan	Petty	Struble
T. C. Campbell	Holmes	Pierson	W. F. Taylor
T. J. Campbell	Husted	Ransom	Tewksbury
Coffey	Ives	Reilly	Tremain
Comstock	W. Johnson	Roscoe	Vosburgh
Cooke	Keenan	Russell	Waehner
Costigan	Kennaday	Sanford	Wellington
Daggett	Kirk	Schenck	Wenzel
Daly	Krack	Schieffelin	Witbeck
Decker	Law	Schuyler	Yost

Mr. Husted moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 30 }  
{ NOES 49 }

Those who voted in the affirmative, were

Beach	Edson	Lincoln	Reilly
Benedict	Friend	McAfee	Russell
Broas	Hauschel	McGowan	Sherwood
Burtis	Hess	McGroarty	Shiel
Calkins	Hinckley	W. Miller	G. Taylor
T. C. Campbell	Hogan	Petty	Wellington
Clark	Hussey	Pope	Whitmore
Comstock	Husted		

Those who voted in the negative, were

Alvord	Green	Law	Sherman
Bennett	Griffin	Lillybridge	Slingerland
Bradley	Hammond	Merwin	Smith
Brogan	Hepburn	Oakley	Stauf
T. J. Campbell	Holmes	O'Keefe	Stephens
Coffey	Houghton	Page	Tewksbury
Costigan	Ives	Pierson	Vosburgh
Daggett	W. Johnson	Sanford	Waehner
Decker	W. A. Johnson	Schenck	Wenzel
Farrar	Keenan	Schieffelin	Witbeck
Faulkner	Kennaday	Scudder	Wurts
Fish	Kirk	Shattuck	Yost
Gedney			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in the passage of the same.

The Senate returned the bill entitled "An act to authorize a recovery at law for repairs heretofore made to the pavement of Broadway, in the city of New York," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 1, line 6, after the word "therein" insert the following: "Provided, the court and jury are satisfied that in equity said plaintiff ought to be entitled to recover judgment thereon."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 71 }  
{ NOES 18 }

Those who voted in the affirmative, were

Alvord	Comstock	W. A. Johnson	Shattuck
Barkley	Costigan	Keenan	Sherman
Beach	Daly	Kennaday	Silverman
Beardsley	Decker	Kirk	Slingerland
Benedict	Edson	Lewis	Smith
Bennett	Ely	Lincoln	Speaker
Berry	Farrar	Mackin	Stauf
Bishop	Faulkner	McGroarty	Stephens
Bordwell	Fish	Oakley	Struble
Bradley	Friend	O'Keefe	G. Taylor
Braman	Gedney	Page	Vedder
Broas	Green	Pierson	Vosburgh
Brogan	Hanrahan	Prince	Waehner
Brown	Hauschel	Ransom	Wenzel
T. C. Campbell	Hogan	Reilly	West
T. J. Campbell	Houghton	Sanford	Witbeck
Cleary	Husted	Schenck	Wurts
Coffey	Ives	Seward	

Those who voted in the negative, were

Bowen	Hussey	Pope	Scudder
Clark	Lillybridge	Russell	Sherwood
Hepburn	Petty	Schieffelin	Whitmore
Holmes			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, informing of assent to a committee of conference on the bill entitled "An act to provide for the construction and operation of a steam railway or railways in counties of this State," and have appointed as such committee Messrs. Robertson, Woodin and Jacobs.

Mr. Alvord called from the table the resolution relative to adjournment, as amended by the Senate.

Mr. Speaker put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the resolution relative to printing the report of the Commissioners of Fisheries, with a message informing of concurrence in the amendments of the Assembly thereto.

*Ordered*, That the Clerk return said resolution to the Senate.

A message from the Senate was received and read informing of concurrence in the amendments of the Assembly to the bill entitled as follows :

"An act relating to the court of arbitration of the chamber of commerce of the State of New York, and to provide for the expenses thereof."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled as follows :

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Stephens called from the table the concurrent resolution in the words following :

*Whereas*, In the year 1833 the States of New York and New Jersey appointed a joint commission to define the boundary line between said States, and their jurisdiction, respectively, over the waters of the New York harbor ; and,

*Whereas*, Encroachments are being constantly made upon said harbor, on both sides of the Hudson river, by citizens of both States ; therefore,

*Resolved* (if the Assembly concur), That the acting commissioners appointed by the Governor to discharge the duty imposed by section 7, chapter 613 of the Laws of 1865, be authorized to meet the like number of commissioners to be appointed by the Governor of New Jersey, and with them, as soon as may be, to ascertain where the exterior lines for said harbor, lying between said States, are located, and whether any or what encroachments have been made upon such harbor ; such commissioners to be authorized to employ such persons as may be necessary to assist them in the performance of the aforesaid service, and to be required to report their proceedings and the expenses (not exceeding the sum of five thousand dollars) thereof to the Legislature of this State at its next annual meeting ; and in case of death or resignation of said commissioners on the part of this State, or either of them, the Governor of this State is hereby empowered to fill the vacancy or vacancies so occurring ; but the commissioners under this resolution shall receive no pay and incur no expense until commissioners for a similar purpose are appointed on the part of the State of New Jersey.

*Resolved* (if the Assembly concur), That the Governor of this State be requested to transmit a duly certified copy of the foregoing resolution to the Governor of the State of New Jersey, to be laid before the legislature of that State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Stephens called from the table the concurrent resolution, in the words following :

*Whereas*, In the year 1872 resolutions were passed requesting the Governor to apply to the President of the United States to appoint three officers in the service of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Brooklyn side; and, whereas, an equal necessity has arisen for such revision upon the shores of Staten Island; therefore,

*Resolved* (if the Assembly concur), That the Governor be requested to apply to the President of the United States to appoint the same or equally competent officers in the service of the United States to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Staten Island side, and report such revised line to the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Faulkner called from the table the concurrent resolution, in the words following:

*Resolved* (if the Assembly concur), That the testimony and proceedings of the joint committee appointed to investigate matters as to alleged canal frauds, be printed under the direction of said committee, as said committee shall proceed in its investigation.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:

*Whereas*, The State Engineer and Surveyor, by a resolution of the Assembly dated May 7, 1872, was required to make a survey and estimate of the number of cubic yards of crib work, stone, sand and other material, built, filled in and furnished in the construction of Quarantine Island; No. 2, in the lower bay of New York; and, whereas, the State Engineer and Surveyor, by his report dated May 8, 1873, set forth and specified the quantity of such material; and, whereas, the contractor or contractors by whom the said work was done and materials furnished now claim that the State is indebted to them for a portion of the same; therefore,

*Resolved* (if the Assembly concur), That the Comptroller, the State Engineer and Surveyor, and the Attorney-General be appointed a board to examine into said claims with instructions to report to the next Legislature.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

The Senate returned the bill entitled "An act in relation to the care, custody and management of the water-works of the city of Rochester, and to regulate the collection of water rents in said city," with a message informing of concurrence in the passage of the same, with the following amendment:

Section 3, line 7, after the word "lakes" insert the words "without authority of law."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the

members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Kshinka	Seward
Barrow	Ely	Law	Sherman
Beach	Farrar	Lawrence	Sherwood
Benediot	Faulkner	Lawson	Slingerland
Berry	Fay	Lillybridge	Smith
Bordwell	Fish	Mackin	Speaker
Bradley	Friend	McGowan	Stauf
Braman	Gallagher	McGroarty	Struble
Broas	Gedney	W. Miller	Talmage
Brown	Hammond	Oakley	G. Taylor
Burtis	Hanrahan	O'Keefe	Tewksbury
Calkins	Hepburn	Peck	Tremain
T. C. Campbell	Hinckley	Pierson	Vosburgh
T. J. Campbell	Holmes	Pope	Waehner
Clark	Hussey	Ransom	Wenzel
Cleary	Ives	Reilly	West
Cole	W. Johnson	Roscoe	Willis
Cooke	Keenan	Russell	Witbeck
Daggett	Kennaday	Schenok	Worth
Daly	Kirk	Schieffelin	Wurts
Davis	Krack	Scudder	Yost
Dessar			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

On motion of Mr. Alvord, at 12 o'clock and 40 minutes, the House took a recess until 4 o'clock P. M.

#### FOUR O'CLOCK.

The House again met.

Mr. McGroarty called from the table the concurrent resolution, in the words following:

*Whereas*, The State Engineer and Surveyor, by a resolution of the Assembly dated May 7, 1872, was required to make a survey and estimate of the number of cubic yards of crib work, stone and other materials, built, filled in and furnished in the construction of Quarantine Island No. 2, in the lower bay of New York; and, whereas, the said State Engineer and Surveyor, by his report dated May 8, 1873, set forth and specified the quantity of such material; and, whereas, the contractor or contractors by whom the said work was done and materials furnished, now claim that the State is indebted to them for a portion of the same; therefore,

*Resolved* (if the Assembly concur), That the Comptroller, the State

Engineer and Surveyor and the Attorney-General be appointed a board to examine into said claim, with instructions to report to the next Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The Senate returned the bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" with a message informing of concurrence in the passage of the same, with the following amendments (reference in all cases being had to engrossed bill):

Strike out sections 1, 2 and 3.

Add at the end of section 4 the following: "provided that such service shall be made within two years of the decease of such party."

Strike out sections 7, 8, 9, 10, 11 and 15.

Insert as section 4 the following, and change the numbers of other sections of the bill to correspond:

"§ 4. Subdivision 4 of section 304 of said chapter is hereby amended so as to read as follows:

"4. In an action for the recovery of money when the plaintiff shall recover fifty dollars; but in an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, if the plaintiff recover less than fifty dollars damages, he shall recover no more costs than damages; and the plaintiff in any action hereafter brought in the supreme court for assault, battery, malicious prosecution, libel or slander, wherein all the parties shall be residents of the same county at the time of the commencement of the action, shall not be entitled to any costs if he recover less than two hundred and fifty dollars damages. And in an action to recover possession of personal property, if the plaintiff recover less than fifty dollars damages, he shall recover no more costs than damages, unless he recovers also property the value of which with the damages amounts to fifty dollars, or the possession of property be adjudged to him, the value of which with the damages amounts to fifty dollars; such value must be determined by the jury, court or referee by whom the action is tried."

Change number of sections of the bill to correspond.

Section 5, new number, line 14, strike out the words "five hundred" and insert the words "two hundred and fifty."

Section 6, new number, line 16, after the word "discharged" insert the words "upon the payment of his fees."

The amendments having been read,

Mr. Waehner moved to non-concur in the same, and that a committee of conference be appointed thereon, and a like committee requested on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Waehner, T. C. Campbell, Benedict, Struble and Husted.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:



*Resolved* (if the Assembly concur), That the Canal Board, at their discretion, be authorized to reduce the tolls on pine and hard-wood lumber to the rate of three (3) mills per 1,000 feet per mile.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 75 }  
{ NOES 23 }

Those who voted in the affirmative, were

Alvord	Comstock	Husted	Prince
Barkley	Costigan	Ives	Ransom
Beach	Daly	W. A. Johnson	Reilly
Beardsley	Davis	Keenan	Rich
Berry	Decker	Kennaday	Schenck
Bordwell	Ely	Kirk	Schieffelin
Bradley	Farrar	Krack	Schuyler
Braman	Faulkner	Kshinka	Seward
Broas	Fay	Lawson	Sherman
Brogan	Fish	Lincoln	Silverman
Brown	Gallagher	Mackin	Smith
Burtis	Gedney	McAfee	Speaker
Calkins	Green	McGroarty	Stephens
T. C. Campbell	Hanrahan	J. W. Miller	Struble
T. J. Campbell	Hauschel	W. Miller	G. Taylor
Clark	Hess	Oakley	Vosburgh
Cleary	Hogan	O'Keefe	Willis
Coffey	Holmes	Petty	Wurts
Cole	Houghton	Pope	

Those who voted in the negative, were

Benedict	Hussey	Pierson	Sherwood
Bennett	Lewis	Roscoe	Tewksbury
Daggett	Lillybridge	Russell	Wellington
Friend	Merwin	Sanford	Whitmore
Griffin	Page	Scudder	Yost
Hinckley	Peck	Shattuck	

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act for the preservation of fish in the Niagara river," in the words following:

The committee of conference, to which was referred the matters in difference between the two Houses, report that the Senate recede from all its amendments.

A. P. LANING,  
W. H. ROBERTSON,  
WM. JOHNSON,  
*Senate Committee.*

H. B. RANSOM,  
P. HANRAHAN,  
W. W. LAWSON,  
O. C. BORDWELL,  
OBED EDSON,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act relating to the repavement of streets, avenues and highways in the city of New York, heretofore paved with wood or concrete," in the words following:

The committee of conference appointed by the Senate and Assembly to which was referred the matters in difference between the two Houses, report, that having met and duly considered the same, have agreed to recommend as follows:

That the Assembly concur in the amendments made by the Senate, amended by striking out, after the word "property," the words "and such assessments paid." And also insert the words "according to law," in the first section; after the word "works."

JNO. W. COE,  
JOHN FOX,  
W. B. WOODIN,  
*Senate Committee.*

F. W. SEWARD,  
W. P. KIRK,  
JAMES W. HUSTED,  
JAMES DALY,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 70 }  
{ NOES 28 }

Those who voted in the affirmative, were

Alvord	Fish	McAfee	Sherman
Barkley	Friend	McGroarty	Sherwood
Beardsley	Gallagher	Merwin	Silverman
Berry	Green	J. W. Miller	Smith
Bordwell	Hanrahan	W. Miller	Speaker
Bowen	Hauschel	O'Keefe	Stephens
Bradley	Hepburn	Pierson	Struble
Braman	Hogan	Pope	G. Taylor
Broas	Houghton	Prince	Tewksbury
Brogan	Hussey	Ransom	Vosburgh
T. J. Campbell	Husted	Rich	Wachner
Clark	Ives	Roscoe	West
Cole	W. A. Johnson	Russell	Whitmore
Comstock	Kennaday	Schenck	Witbeck
Decker	Krack	Scudder	Worth
Farrar	Lawrence	Seward	Wurts
Faulkner	Lewis	Shattuck	Yost
Fay	Lincoln		

Those who voted in the negative, were

Beach	Costigan	W. Johnson	Petty
Benedict	Daly	Keenan	Reilly

Burtis	Edson	Kshinka	Schieffelin
T. C. Campbell	Gedney	Lawson	Schuyler
Cleary	Hess	Mackin	Wenzel
Coffey	Holmes	Muller	

Mr. Waehner moved to reconsider the vote just taken.

Debate was had thereon, when

Mr. Brogan moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 45 }  
{ NOES 60 }

Those who voted in the affirmative, were

Beach	Dessar	Keenan	Roscoe
Benedict	Edson	Kshinka	Russell
Bradley	Farrar	Lillybridge	Schieffelin
Burtis	Gedney	Mackin	Schuyler
Calkins	Hammond	McAfee	Scudder
T. C. Campbell	Hepburn	J. W. Miller	Sherwood
Clark	Hess	W. Miller	Silverman
Cleary	Holmes	Muller	Stauf
Coffey	Hussey	Page	W. F. Taylor
Comstock	W. Johnson	Petty	Waehner
Costigan	W. A. Johnson	Reilly	Willis
Daly			

Those who voted in the negative, were

Alvord	Fish	Lewis	Sherman
Barkley	Friend	Lincoln	Shiel
Berry	Gallagher	McGowan	Smith
Bordwell	Green	Merwin	Speaker
Bowen	Griffin	Oakley	Stephens
Braman	Hanrahan	O'Keefe	Struble
Broas	Hauschel	Pierson	G. Taylor
Brogan	Hogan	Pope	Tewksbury
Brown	Houghton	Prince	Vedder
T. J. Campbell	Husted	Ransom	Vosburgh
Cole	Ives	Rich	Wellington
Daggett	Kennaday	Sanford	West
Decker	Kirk	Schenck	Whitmore
Faulkner	Krack	Seward	Wurts
Fay	Lawson	Shattuck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

A message from the Senate was received and read, informing of concurrence in the passage of the following resolution:

*Resolved* (if the Senate concur), That the Governor be and hereby is authorized to confer on any officer of the National Guard of the State of New York below the rank of colonel, who shall have been ten years a member thereof, seven of which have been of service as a commissioned officer, a brevet commission corresponding in rank to the grade next above the one actually held by said officer at the time of conferring such brevet commission; such brevet rank shall be honorary and shall not entitle the person holding the same to precedence on command, except by special assignment of commander-in-chief. Recommendations for promotion to such brevet ranks shall be made by the brigadier-generals for the officers of their respective brigades, indorsed by the commandant of their division, except in the case of a separate troop, battery or company attached to a division, which shall be made by the division commander.

On motion of Mr. Kirk, and by unanimous consent, the committee on commerce and navigation was discharged from the further consideration of the Senate bill entitled "An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York or Raritan bay, within the jurisdiction of the State of New York."

Said bill being announced for a third reading,

On motion of Mr. McGroarty, and by unanimous consent, said bill was amended as follows (reference to engrossed bill):

Section 4, lines 4 and 5, strike out the words "by and with the consent of the Senate." Same section, line 48, strike out the words "and his subordinates."

Section 7, strike out all after the word "him" in line 18, and insert the following: "The expense of the removal of such matter shall be paid by the county of Kings, and the proper officers are hereby directed to cause such amount of money to be raised annually as may be necessary for the purpose, provided such expense shall not exceed the sum of two thousand dollars in any one year, and the same shall be paid by the county treasurer of said county to the person or persons entitled thereto, upon the certificate of the inspector provided to be appointed by the fourth section of this act."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 12 }

Those who voted in the affirmative, were

Alvord	Ely	Keenan	Ransom
Barkley	Farrar	Kennaday	Scudder
Beardsley	Faulkner	Kirk	Seward
Benedict	Fay	Krack	Sherman
Berry	Friend	Kshinka	Shiel
Bordwell	Gallagher	Lewis	Silverman
Bradley	Gedney	Lillybridge	Staaf
Braman	Green	Lincoln	Stephens
Broas	Griffin	Mackin	Struble
Brogan	Hammond	McAfee	G. Taylor

Brown	Hanrahan	McGowan	W. F. Taylor
T. C. Campbell	Hauschel	McGroarty	Tremain
T. J. Campbell	Hess	Merwin	Vosburgh
Cleary	Hogan	Oakley	Waehner
Coffey	Houghton	O'Keefe	Wellington
Cooke	Hussey	Page	Wenzel
Costigan	Husted	Peck	Whitmore
Daggett	Ives	Petty	Willis
Decker	W. Johnson	Pope	Worth
Edson	W. A. Johnson	Prince	Yost

Those who voted in the negative, were

Bowen	Daly	Reilly	Schieffelin
Calkins	Hepburn	Roscoe	Schuyler
Comstock	Holmes	Schenck	Sherwood

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

On motion of Mr. Alvord, at 5 o'clock and 15 minutes, the House took a recess until 8 o'clock P. M.

## EIGHT O'CLOCK.

The House again met.

Mr. Alvord moved that the House adjourn until to-morrow morning at 9 o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Thereupon the House adjourned until to-morrow morning at 9 o'clock

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## SATURDAY, MAY 22, 1875.

The House met pursuant to adjournment.

No clergyman present.

The reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of non-concurrence in the passage of the following resolution :

*Resolved* (if the Senate concur), That the Regents of the University, as trustees of the State Museum of Natural History, be authorized to transfer to Washington's Headquarters in Newburgh any arms, relics or other objects of historic interest of the Revolutionary period.

The Senate returned the bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" with a message informing that they assent to a committee of conference thereon, and have appointed as such committee Messrs. Kellogg, Laning and Tobey

Mr. Daly, from the committee of conference, to which was referred the Senate bills entitled as follows:

"An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations."

"An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York,"

"An act in relation to regulating, grading, and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and to provide for the services rendered in laying out, opening streets, avenues, roads or public parks and places in the city of New York."

Submitted the following report:

The committee of conference, to which was referred the matters in difference between the two Houses on Senate bills Nos. 219, 215 and 216, having met, have, after full and free conference, failed to agree, and ask to be discharged from the further consideration thereof, and that a new committee of conference be appointed.

W. B. WOODIN,  
JOHN FOX,  
*Senate Committee.*

JAMES DALY,  
T. J. CAMPBELL,  
JNO. T. MCGOWAN,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Daly, T. J. Campbell, McGowan, Hess and Worth.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have appointed a new committee of conference thereon.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act for the demolition of unsafe walls and buildings in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. O'Keefe, and by unanimous consent, said bill was ordered to a third reading.

Mr. Friend, from the committee on public printing, to which was referred the resolution to print 3,000 copies of the general supervisor act, 2,000 copies of the general corporation act, and 1,000 copies of the general savings bank act, reported adversely thereto.

Mr. Prince moved to strike out that portion relative to printing savings bank bill, and that the report be disagreed to as to remaining portion.

Mr. Costigan moved to amend by making said resolution concurrent.

Mr. T. C. Campbell moved to lay the whole subject on the table.

Mr. Speaker put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to amend section 67 of

article 2, chapter 1, part 2, title 2 of the Revised Statutes, in relation to trusts," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert the following:

"SECTION 1. Section 67 of article 2, chapter 1, part 2, title 2 of the Revised Statutes, is hereby amended so as to read as follows:

"§ 67. When the purposes for which an express trust shall have been created shall have ceased, the estate of the trustees shall also cease, and when an estate has been conveyed to trustees for the benefit of creditors, and no different limitation is contained in the instrument creating the trust, such trust shall be deemed discharged at the end of twenty-five years from the creation of the same, and the estate conveyed to trustee or trustees, and not granted or conveyed by him or them, shall revert to the grantor or grantors, his or their heirs or devisees, or persons claiming under them, to the same effect as though such trust had not been created."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 83 }  
} NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Krack	Schenck
Beach	Ely	Kshinka	Schieffelin
Beardsley	Farrar	Lewis	Schuyler
Bennett	Fay	Lillybridge	Seward
Berry	Friend	Lincoln	Shattuck
Bordwell	Gedney	Mackin	Sherwood
Bowen	Green	McGowan	Shiel
Bradley	Hammond	McGroarty	Smith
Broas	Hanrahan	J. W. Miller	Speaker
Burtis	Hauschel	W. Miller	Struble
Calkins	Hess	Oakley	G. Taylor
T. C. Campbell	Hogan	O'Keefe	W. F. Taylor
T. J. Campbell	Holmes	Page	Tewksbury
Clark	Houghton	Peck	Vedder
Coffey	Hussey	Petty	Vosburgh
Comstock	Husted	Pierson	Wenzel
Cooke	Ives	Pope	West
Costigan	W. Johnson	Prince	Willis
Daly	W. A. Johnson	Ransom	Wurts
Davis	Keenan	Reilly	Yost
Decker	Kirk	Roscoe	

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations,'" with a message informing of concurrence in the passage of the same, with the following amendments:



Section 1, line 1, strike out the word "fifth" and insert the word "seventh." Same section, strike out all after the word "follows" in line 6, down to and including the word "received" in line 14.

Strike out the first and second lines of section 2.

Page 3, line 1, after the word "association" insert the words "nor shall the making of any monthly payment required by the articles of association."

Strike out lines 1, 2, 3, 4, 5, 6 and 7 of section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 85 {  
} NOES 00 {

Those who voted in the affirmative, were

Alvord	Ely	Lawrence	Schuyler
Barkley	Farrar	Lawson	Scudder
Beach	Faulkner	Lewis	Shattuck
Beardsley	Fish	Lincoln	Sherman
Bennett	Friend	Mackin	Shiel
Berry	Gallagher	McGowan	Silverman
Bordwell	Green	McGroarty	Slingerland
Braman	Hammond	J. W. Miller	Smith
Broas	Hepburn	W. Miller	Stauf
Brown	Hess	Oakley	Struble
Burtis	Hogan	Page	Talmage
Calkins	Holmes	Peck	G. Taylor
T C. Campbell	Hussey	Petty	Tremain
T. J. Campbell	Husted	Pope	Vedder
Clark	Ives	Prince	Vosburgh
Coffey	W. Johnson	Ransom	Waehner
Cole	W. A. Johnson	Rich	Wenzel
Cooke	Kirk	Russell	West
Costigan	Krack	Sanford	Worth
Daly	Kshinka	Schenck	Wurts
Decker	Law	Schieffelin	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies,'" with a message informing of concurrence in the passage of the same, with the following amendment:

Page 5, strike out all after the word "January" in line 11, down to and including the word "dollars" in line 12.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

**MAY 22.]**

**1847**

**{ AYES 84 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Decker	Kshinka	Schieffelin
Beach	Edson	Law	Scudder
Beardsley	Ely	Lawson	Seward
Benedict	Farrar	Lewis	Sherman
Berry	Fay	Lincoln	Sherwood
Bordwell	Fish	Mackin	Silverman
Bowen	Friend	McGowan	Smith
Bradley	Gedney	McGroarty	Speaker
Braman	Griffin	Merwin	Stephens
Brogan	Hammond	W. Miller	Talmage
Burtis	Hauschel	Oakley	G. Taylor
Calkins	Hess	O'Keefe	Tewksbury
T. C. Campbell	Hinckley	Page	Vedder
T. J. Campbell	Holmes	Petty	Vosburgh
Clark	Houghton	Pierson	Waehner
Coffey	Husted	Pope	Wenzel
Cole	W. Johnson	Prince	West
Comstock	W. A. Johnson	Reilly	Willis
Costigan	Kennaday	Roscoe	Worth
Daggett	Kirk	Russell	Wurts
Daly	Krack	Schenck	Yost

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to confirm and legalize certain acts of the common council of the city of Elmira," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 2 the following: "Nor shall the provisions of this act be construed to legalize any assessment against persons or property not liable to assessment under the existing law for improvements of that character in the city of Elmira."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

**{ AYES 85 }**  
**{ NOES 00 }**

**Those who voted in the affirmative, were**

Alvord	Dessar	Kshinka	Schieffelin
Barkley	Edson	Law	Scudder
Beach	Ely	Lawrence	Seward
Beardsley	Farrar	Lawson	Shattuck
Bennett	Faulkner	Lewis	Sherwood
Berry	Fish	Lincoln	Shiel
Bordwell	Friend	Mackin	Slingerland
Bradley	Gedney	McGowan	Smith

Braman	Griffin	McGroarty	Speaker
Brogan	Hanrahan	Merwin	Stauf
Burtis	Hauschel	J. W. Miller	Talmage
Calkins	Hepburn	Muller	G. Taylor
T. C. Campbell	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hogan	Page	Tremain
Clark	Houghton	Petty	Vedder
Coffey	Husted	Pope	Waehner
Cole	Ives	Prince	Wenzel
Comstock	W. Johnson	Reilly	West
Cooke	Keenan	Roscoe	Witbeck
Daggett	Kirk	Russell	Wurts
Daly	Krack	Schenck	Yost
Decker			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to increase the powers of the common council of the city of Brooklyn," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 8, strike out the word "shall" and insert the word "may." After the word "be" insert the word "made."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Law	Schuyler
Barrow	Ely	Lawrence	Scudder
Beach	Farrar	Lawson	Shattuck
Benedict	Faulkner	Lillybridge	Sherman
Berry	Fay	Lincoln	Shiel
Bordwell	Friend	McGowan	Silverman
Bradley	Gallagher	McGroarty	Smith
Braman	Gedney	J. W. Miller	Stauf
Brown	Green	W. Miller	Stephens
Burtis	Hammond	Muller	Talmage
Calkins	Hanrahan	O'Keefe	G. Taylor
T. C. Campbell	Hepburn	Page	W. F. Taylor
T. J. Campbell	Hess	Petty	Tremain
Clark	Holmes	Pierson	Waehner
Coffey	Hussey	Prince	Wenzel
Cole	Ives	Ransom	Whitmore
Cooke	W. Johnson	Rich	Witbeck
Costigan	Keenan	Roscoe	Worth
Daly	Kennaday	Sanford	Wurts
Davis	Krack	Schenck	Yost
Dessar	Kshinka		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act for the better regulation of railroad companies and the election of the officers of the same," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out section 1 of engrossed bill and insert the following:

"SECTION 1. When the time for holding the annual election for the directors of any railroad company is now fixed by any law, charter or by-law for a time within three months before the thirtieth day of September in any year, the directors of such company by resolution, to be published at least thirty days before the time now established for such election, postpone such election to a time not more than two months after the thirtieth day of September then next ensuing, and thereafter the annual election of such company shall be held in each year on the day so designated, and the term of office of the directors of such company, in office when such change is made, shall be extended to the day thus fixed for the next election of directors, and the election of their successors."

Strike out section 2 of engrossed bill and insert the following:

"§ 2. Any railroad company organized under the laws of this State may purchase, hold and convey lands, or any interests in lands in any other State through which any part of its railroad is operated, or may purchase, hold and transfer stock in any company organized in another State owning lands as aforesaid, for the purpose of securing for such railroad in this State a permanent supply of fuel for its use."

Strike out sections 3 and 4 of engrossed bill, and change the number of subsequent sections to correspond.

Amend the title so as to read, "An act to define the powers and privileges of railroad corporations, and to repeal sections 3 and 4 of chapter 278 of the Laws of 1868, entitled 'An act in relation to the Erie, New York Central, Hudson River and Harlem Railway companies.'"

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 77 }  
} NOES 9 }

Those who voted in the affirmative, were

Alvord	Farrar	Krack	Schuyler
Beach	Fish	Lawson	Scudder
Beardsley	Friend	Lewis	Seward
Benediot	Gedney	Lillybridge	Shattuck
Berry	Green	Lincoln	Sherman
Bordwell	Griffin	McGroarty	Sherwood
Bowen	Hauschel	Merwin	Shiel
Bradley	Hepburn	J. W. Miller	Smith
Broas	Hess	Muller	Stauf
Brogan	Hinckley	Oakley	Struble
Brown	Hogan	O'Keefe	G. Taylor
Calkins	Holmes	Page	W. F. Taylor

T. C. Campbell	Houghton	Peck	Tewksbury
T. J. Campbell	Hussey	Pierson	Vosburgh
Clark	Husted	Pope	Wenzel
Cole	Ives	Prince	West
Cooke	W. Johnson	Rich	Whitmore
Decker	W. A. Johnson	Roscoe	Wurts
Edson	Kennaday	Schenck	Yost
Ely			

Those who voted in the negative, were

Burtis	Keenan	Kshinka	Reilly
Coffey	Kirk	Petty	Schieffelin
Daly			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to provide for the improvement of portions of Commercial street, Union place, in the city of Brooklyn," with a message informing of concurrence in the passage of the same, with the following amendments :

Section 1, line 6, after the word "creek" insert the words "and Prospect place, between Vanderbilt and Flatbush avenues."

Section 3, line 4, strike out the word "the," second occurring, and insert the word "any." Same line, strike out the word "said" and insert the word "any." Line 5, strike out the word "and" and insert the word "or." After the word "street" insert the words "affected by the provisions of this act."

Amend the title by inserting after the words "Union place" the words "and Prospect place."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Farrar	Kirk	Schenck
Barkley	Fay	Krack	Schnyler
Beach	Fish	Kshinka	Scudder
Bennett	Friend	Lawrence	Seward
Berry	Gallagher	Lawson	Sherman
Bordwell	Gedney	Lewis	Sherwood
Bowen	Green	Lincoln	Silverman
Broas	Griffin	Mackin	Smith
Calkins	Hanrahan	McAfee	Speaker
T. C. Campbell	Hauschel	McGowan	Struble
T. J. Campbell	Hepburn	McGroarty	G. Taylor
Clark	Hinckley	J. W. Miller	W. F. Taylor
Cole	Hogan	Oakley	Tremain
Comstock	Holmes	Page	Vedder
Cooke	Houghton	Petty	Vosburgh
Costigan	Hussey	Pierson	Waehner

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Daggett	Husted	Prince	Wenzel
Daly	Ives	Reilly	Witbeck
Decker	W. Johnson	Rich	Wurts
Edson	W. A. Johnson	Russell	Yost
Ely			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act in relation to the courts of record," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, line 6, after the word "record" insert the words "in the city and county of New York."

Strike out sections 2 and 3.

Amend the title so as to read "An act in relation to the courts of record in the city and county of New York."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 90 }  
{ NOES 1 }

Those who voted in the affirmative, were

Alvord	Farrar	Lewis	Slingerland
Barkley	Fay	Lincoln	Smith
Beach	Fish	McGowan	Speaker
Beardsley	Friend	McGroarty	Stauf
Bennett	Gallagher	Merwin	Stephens
Berry	Gedney	J. W. Miller	Talmage
Bordwell	Griffin	W. Miller	G. Taylor
Bowen	Hanrahan	Oakley	W. F. Taylor
Bradley	Hepburn	Page	Tewksbury
Brogan	Hess	Petty	Tremain
Burtis	Hinckley	Pope	Vedder
Calkins	Hogan	Prince	Vosburgh
T. C. Campbell	Holmes	Reilly	Waehner
T. J. Campbell	Husted	Rich	Wellington
Clark	Ives	Russell	Wenzel
Cole	W. Johnson	Sanford	West
Comstock	W. A. Johnson	Schenck	Whitmore
Cooke	Kennaday	Schuyler	Willis
Costigan	Kirk	Seward	Witbeck
Daly	Krack	Sherman	Worth
Decker	Kshinka	Sherwood	Wurts
Edson	Law	Shiel	Yost
Ely	Lawson		

For the negative,

Schieffelin

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court," with a message informing of concurrence in the passage of the same, with the following amendments (reference being had to engrossed bill):

Section 38, strike out all of the section after the word "prescribe" in line 9.

Strike out section 54 and insert in lieu thereof the following:

"§ 54. In addition to the fees now authorized by law, the clerk of said court shall collect and receive a stenographer's fee of one dollar and fifty cents for each and every trial had in said court."

Strike out sections 57 and 58.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Law	Schuyler
Barkley	Dessar	Lawrence	Seward
Beach	Edson	Lawson	Shattuck
Beardsley	Ely	Lewis	Sherman
Bennett	Fay	Lillybridge	Sbiel
Berry	Fish	Lincoln	Silverman
Bordwell	Friend	Mackin	Slingerland
Bowen	Gallagher	McGowan	Speaker
Braman	Gedney	Merwin	Stauf
Broas	Griffin	J. W. Miller	Struble
Brown	Hammond	Muller	Talmage
Burtis	Hauschel	Oakley	W. F. Taylor
Calkins	Hess	O'Keefe	Tremain
T. C. Campbell	Hogan	Peck	Vedder
T. J. Campbell	Holmes	Petty	Waehner
Clark	Hussey	Pope	Wenzel
Cleary	Ives	Ransom	Whitmore
Coffey	W. A. Johnson	Rich	Witbeck
Comstock	Kirk	Roscoe	Worth
Cooke	Krack	Sanford	Wurts
Daggett	Kshinka	Schieffelin	Yost
Daly			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference, in the words following:

The committee of conference appointed by the Senate and Assembly, to which was referred the matters in difference between the two Houses on the Assembly bill entitled "An act further to provide for the construction and operation of a steam railway or railways in counties of the



State," respectfully report that they have met and duly considered the same, and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed by the Senate, namely :

Section 4, line 14, strike out the words "and not already," and insert in lieu thereof the words "and except such portions of streets and avenues as are already legally designated for the main line of or."

Line 15, after the word "operation" insert the word "and."

Line 19, after the words "United States" insert the words "and except that portion of the city of Buffalo lying between Michigan and Main streets."

And your committee further report that they have agreed to recommend that the Assembly do concur in the following amendments to the bill proposed by the Senate, and amended as follows:

"§ 36. Whenever the route or routes determined upon by said commissioners coincide with the route or routes covered by the charter of an existing corporation formed for the purpose provided for by this act (provided that said corporation has not forfeited its charter or failed to comply with the provisions thereof requiring the construction of a road or roads within the time prescribed by its charter), such corporation shall have the like power to construct and operate such railway or railways, upon fulfillment of the requirements and conditions imposed by said commissioners as a corporation specially formed under this act; and the said commissioners may fix and determine the route or routes by which any elevated steam railway or railways now in actual operation may connect with other steam railways or the depots thereof, or with steam ferries, upon fulfillment by such elevated steam railway company, so far as it relates to such connection of such of the requirements and conditions imposed by said commissioners under section 4 of this act as are necessary to be fulfilled in such cases under section 18 of article 3 of the Constitution of this State, and such connecting elevated railway shall in such case possess all the powers conferred by section 26 of this act; and when any connecting route or routes shall be so designated, such elevated railway company may construct such connection with all the rights, and with like effect, as though the same had been a part of the original route of such railway."

Strike out all of section 40 after the word "thereto," in line 5 of said section, and insert in lieu thereof the following: "None of the provisions of this act shall apply to any railroad company organized under any general or special law of this State for the purpose of constructing or operating a steam railroad upon the surface of the ground, nor to the operation or management of any such railroad heretofore constructed."

Strike out section 41 and insert in lieu thereof the following:

"§ 41. It shall not be lawful for any company organized under the provisions of this act, or under any other act heretofore passed, to construct a steam railway upon St. Nicholas avenue, in the city of New York, or those streets or avenues in said city commonly known as boulevards, except to cross the same, under such regulations as shall be imposed by the commissioners provided for by this act, and every such company shall be bound by the restrictions and limitations as to its route and as to its mode of construction, which shall be established by the commissioners appointed under this act from which its powers were derived, as far as such restrictions and limitations are consistent with the provisions of this act. The provisions of this section shall not be

deemed to apply to any existing horse street railway heretofore authorized to be constructed."

All of which is respectfully submitted.

W. H. ROBERTSON,  
JNO. C. JACOBS,  
*Senate Committee.*

JAMES W. HUSTED,  
JNO. T. MCGOWAN,  
JAMES M. OAKLEY,  
F. W. SEWARD,  
JAMES DALY,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Kirk	Schuyler
Barkley	Dessar	Krack	Scudder
Beach	Edson	Kshinka	Seward
Beardsley	Ely	Lawson	Shattuck
Benedict	Farrar	Lewis	Sherman
Bennett	Faulkner	Lillybridge	Sherwood
Berry	Fish	Lincoln	Shiel
Bordwell	Friend	Mackin	Silverman
Bowen	Gallagher	McGowan	Smith
Bradley	Gedney	McGroarty	Speaker
Broas	Green	J. W. Miller	Stauf
Brogan	Griffin	W. Miller	Stephens
Brown	Hauschel	Muller	Struble
Calkins	Hepburn	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	W. F. Taylor
T. J. Campbell	Hogan	Page	Tewksbury
Clark	Holmes	Peck	Tremain
Cleary	Houghton	Pierson	Vedder
Coffey	Husted	Pope	Wenzel
Comstock	Ives	Prince	West
Cooke	W. Johnson	Reilly	Whitmore
Costigan	W. A. Johnson	Roscoe	Willis
Daggett	Keenan	Schenck	Wurts
Daly	Kennaday	Schieffelin	Yost
Davis			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act relating to the powers and duties of the board of commissioners of charities of the county of Kings," with a message informing of concurrence in the passage of the same, with the following amendments:

Strike out all of section 2 of the engrossed bill, and insert in lieu thereof the following:

"§ 2. In addition to the powers heretofore and by existing laws vested in the said commissioners, they shall have power to appoint a

general inspector, who shall have power to examine and to reject any or all supplies furnished by contract by the board of supervisors for the use of the poor of Kings county which are not according to contract. The said commissioners shall also have the power to fix the salaries of all employees, provided, however, that the aggregate amount of salaries shall not exceed the amount annually raised for the purpose. They shall have power to employ such mechanical labor as in their judgment may be necessary to the proper care and keeping of the several buildings and appurtenances under their charge, and such material as may be necessary to such repairs shall be furnished by the board of supervisors upon the requisition of the said commissioners. The said commissioners shall have power in great emergencies, they being the judges thereof, to expend a sum not exceeding two hundred and fifty dollars at any one time, and not exceeding in the aggregate five hundred dollars in any one month, to meet any pressing want, and the bills for such expenditure shall be paid as other bills against said county are paid. The said commissioners shall also have power to rent suitable offices for the proper transaction of their business, and the supervisors shall direct the proper officers to pay the rent for the same upon the certificate of the commissioners."

The amendment having having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Krack	Schieffelin
Barkley	Edson	Kshinka	Scudder
Beach	Ely	Law	Seward
Beardsley	Faulkner	Lawson	Sherwood
Benedict	Fay	Lewis	Silverman
Bennett	Fish	Lillybridge	Slingerland
Berry	Friend	Lincoln	Speaker
Bowen	Green	McGowan	Stauf
Bradley	Griffin	McGroarty	Struble
Braman	Hanrahan	Merwin	Talmage
Brogan	Hepburn	J. W. Miller	W. F. Taylor
Calkins	Hess	W. Miller	Tewksbury
T. C. Campbell	Hogan	Oakley	Tremain
T. J. Campbell	Holmes	O'Keefe	Waehner
Clark	Hussey	Petty	Wellington
Coffey	Husted	Pope	West
Cole	Ives	Prince	Willis
Cooke	W. Johnson	Reilly	Worth
Daggett	Keenan	Roscoe	Wurts
Daly	Kirk	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to confirm the proceed-

ings of supervisors and justices of the peace of the several towns in the county of Kings relating to town sealers," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, strike out the words "It is hereby enacted that." Line 7, after the word "he" insert the word "as." Strike out the word "confirmed" and insert the words "valid as though said sealers of weights and measures had been legally elected or appointed."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson	Lawson	Sherwood
Barkley	Ely	Lillybridge	Silverman
Beach	Farrar	Mackin	Slingerland
Beardsley	Fay	McAfee	Smith
Benedict	Fish	McGroarty	Speaker
Berry	Friend	Merwin	Stauf
Bordwell	Gallagher	J. W. Miller	Stephens
Bowen	Green	Muller	Struble
Bradley	Griffin	Oakley	G. Taylor
Braman	Hammond	Page	W. F. Taylor
Brogan	Hauschel	Pierson	Fewksbury
Calkins	Hess	Pope	Tremain
T. C. Campbell	Hinckley	Ransom	Vedder
Clark	Holmes	Reilly	Waehner
Cleary	Houghton	Rich	Wenzel
Coffey	Ives	Russell	Whitmore
Cole	W. A. Johnson	Schenck	Willis
Cooke	Kennaday	Schieffelin	Witbeck
Daggett	Kirk	Scudder	Worth
Daly	Krack	Seward	Wurts
Davis	Kshinka	Sherman	Yost
Dessar	Law		

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Alvord offered for the consideration of the House a resolution, in the words following:

*Resolved,* That the thanks of this House are hereby tendered to Hon. Jeremiah McGuire for the impartiality, ability and fairness which have characterized his discharge of the duties of Speaker of the Assembly.

Mr. Alvord, in offering said resolution, addressed the House as follows:

Mr. Speaker — In performing this duty I desire to say, in very few words, that whatever may have been the differences of opinion or feeling, whether inside or outside of the party upon the floor of this House in the long session which is now about closing, in the desk the person who has presided over our deliberations has exercised a fairness and impartiality which has been rarely witnessed in my time in the sessions

of the House of Assembly. I, sir, for one, have the right to say that courtesy and kindness have been extended to me which possibly might not have been expected, taking into consideration the political position which I occupy. Courtesy and kindness from the desk has been extended to each and every member, so far as my observation extended. And the gentleman who has occupied that position I have no doubt will go away from here with the warmest sentiments of friendship from every member of this body. I trust, sir, that he may return to his home, to his life of usefulness, and that he may still continue to live for the benefit and advantage of his constituency and of the State.

Now, Mr. Speaker, with these few remarks in reference to the presiding officer of the Assembly, permit me to take occasion to say that I have long been within the limits of the Assembly chamber of this State. That my experience has been worth something it is true. But the experience that I have had this winter of the uniform courtesy, kindness and warm friendship from each and every man that surrounds me, deserves and has my most grateful acknowledgment, and to the last day of my life I shall recollect with pleasant memories the scenes of the Legislature of 1875.

Mr. Husted, in seconding said resolution, addressed the House as follows:

Mr. Speaker — I rise, sir, with great pleasure to second the resolution presented by the gentleman from Onondaga. Like him, I have, sir, many years been upon this floor, and like him have passed through many peculiar and many trying scenes. I do not hesitate to say that while I have been a member of many Legislatures, during which the time has been spent most pleasantly, so far as I am personally concerned, I have never been a member of any Legislature where I have passed the time more pleasantly, more agreeably to myself and more in harmony with my associates, than during the present session. I should be exceedingly sad if I believed that I left the Assembly chamber with the enmity of any member of the House. I know I entertain toward all the warmest feelings of regard and respect.

As to our presiding officer, sir, I desire to say that I regard him as the Latin poet describes his ideal statesman, *Iustum ac tenacem propositi virum*. If there ever was a man who was just and tenacious of his purposes, the Hon. Jeremiah McGuire is certainly such a man. Self-poised, self-reliant and self-determined, if he differs with an antagonist he differs with him on principle. As Speaker of the House and as a member of this body, he has not hesitated to express his views clearly and distinctly. He has never surrendered his purpose when he thought he was right. Such are the men who can be trusted in public life, and such a man our Speaker certainly is. In so far as his connection with us has been concerned as presiding officer, I must say, and do say, that I have never known him to deviate from the line of rectitude or fairness to serve foe or friend. In that chair he has known neither friend nor foe. He has treated all, I think, as a Speaker and presiding officer, fairly and impartially. He has differed with us on many questions, as he had a right to do, and he would not be a fit representative if he had not so done. But I think that all of us when we part with him can give him a cordial shake of the hand and bid him a happy and safe return to his home, bearing with him pleasant memories of "auld lang syne."

Mr. Speaker put the question whether the House would agree to said resolution, and it was adopted unanimously.

Mr. Husted offered for the consideration of the House a resolution, in the words following :

*Resolved*, That the thanks of the Assembly are due and are hereby tendered to Hiram Calkins, Esq., for the intelligent, faithful and courteous manner in which he has discharged the arduous and responsible duties of Clerk of this House.

Mr. Husted, in offering said resolution, addressed the House as follows :

Mr. Speaker—I offer this resolution with feelings akin not simply to respect, but feelings akin to love and affection. I have known Hiram Calkins intimately for twenty years. From the time that he first came here as a reporter for a New York paper, until he passed through the successive grades of office which, by his ability and untiring industry, he has attained ; through the position of Clerk of the Senate, Clerk of the Constitutional Commission and Clerk of this House, and I hope and believe he will be Clerk of that greater House at Washington. Hiram Calkins is as pure-minded and as honest a man as the sun ever shone upon. And this House never had a more intelligent nor, do I believe, a more faithful and conscientious Clerk than he. I trust and believe that this resolution will commend itself not only to the sober sense, but to that deep feeling which wells up in the breast of every member of this House.

Mr. Vedder, in seconding said resolution, addressed the House as follows :

Mr. Speaker—It is becoming to honor those to whom honor is due, and beautiful to pay tribute to distinguished worth. It is therefore with unqualified pleasure that I rise to speak to the resolution in behalf of him who has adorned the position to which the partiality and wisdom of his party called him. Integrity has marked the course of our Clerk and success has attended his efforts. I am, sir, in consideration of his merits, constrained to say, as was said of another, that he has borne his faculties so meek, and has been so clear in his perplexing and laborious office, that justice seems to require that he be transferred by the party he has honored to a higher similar field of official duty.

He used wonderful foresight and exhibited a great knowledge of men in the very judicious selection of his subordinates. However great his executive ability, his department would not have had perfection spoken of it had he not been so ably supported by a corps of honest, diligent and faithful assistants. The accommodating Durham, the able, efficient and gentlemanly Cook, the clear-voiced Smith and his lightning roll calls, each in his sphere was an all-important factor in the Clerk's great measure of success. Mr. Smith, by his ability, by his attention to duty, his perseverance and energy, has shown his capacity for the other and higher place, and has proven that, had he been chosen, unqualified approbation would also have been written of his administration. It is then to be hoped for the good of all that if affairs are to be for another year as they now are, that the one may record the legislative judgment of the nation and the other of the Empire State.

It is, sir, to me a source of pride as well as of pleasure to stand to-day among my Republican brethren and speak, as I believe I do, their sentiments, and say to those on the other side that while we separate from you in reference to the cardinal elements of political faith, our hearts beat as one in according honor to the officers you gave us, and every



tongue will speak and every head be uplifted to award to them the greatest possible degree of praise.

And here I may be permitted also to say to the majority that we (the minority) have received at their hands not only the most impartial but the most considerate and generous treatment. Party lines, in many instances, seem to have been obliterated, and party barriers torn away, and to day I think we can all stand upon the ashes of party feuds and political animosities, and therefore, bid the flowers of friendship to spring up and bloom along the pathway of social life.

In view of the harmonious action of the session now near its close, may we not indulge the hope that the "era of good feeling," the period of patriotic impulse, and the age of pure and exalted political sentiment, if not yet come, is at least near at hand. Let us also hope that those who shall take our place may be as fortunate in the selection of their officers as we have been in ours—have as noble and chivalrous opponents as we have had, and that the aims of all parties may be the public welfare, and their actions be guided and controlled by an all-absorbing thought for the good and glory of our country.

Mr. Speaker put the question whether the House would agree to said resolution, and it was adopted unanimously.

Mr. Hess offered for the consideration of the House a resolution, in the words followidg:

*Resolved*, That the thanks of the members of the Assembly are hereby tendered to the assistant clerk, the deputy clerks, the sergeant-at-arms and his assistant, and to the other officers of the House, for the faithful and efficient manner in which they have discharged the duties of their respective positions.

Brief complimentary remarks were made by Messrs. Hess, T. C. Campbell and Holmes.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was adopted unanimously.

The Senate returned the bill entitled "An act authorizing the payment of William A. Dunn for services as doorkeeper of the Assembly," with a message informing of concurrence in the passage of the same, with the following amendments:

Add to section 1 the following: "and to Robert McIntyre, for service as post-office messenger of the Senate from January 5 to May 21, 1875, three dollars per day, to be audited and allowed by the President of the Senate, and paid upon his certificate; said sums to be paid out of the appropriation for legislative expenses."

Amend the title by adding the words "and of Robert McIntyre, for services as post-office messenger of the Senate."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord  
Beach

Decker  
Dessar

Kshinka  
Law

Schieffelin  
Scudder



Beardsley	Edson	Lawson	Seward
Benedict	Farrar	Lewis	Sherman
Berry	Faulkner	Lincoln	Sherwood
Bishop	Fish	Mackin	Silverman
Bordwell	Friend	McGowan	Smith
Bradley	Gallagher	McGroarty	Speaker
Braman	Green	Merwin	Stauf
Brogan	Hammond	J. W. Miller	Stephens
Brown	Hauschel	Oakley	Struble
Burtis	Hess	O'Keefe	G. Taylor
Calkins	Hogan	Peck	Tremain
T. C. Campbell	Holmes	Petty	Vedder
T. J. Campbell	Hussey	Pope	Waehner
Clark	Husted	Prince	Wellington
Coffey	Ives	Ransom	West
Cole	W. Johnson	Reilly	Willis
Cooke	Keenan	Roscoe	Witbeek
Costigan	Kirk	Sanford	Wurts
Daly	Krack	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the following entitled bills with a message informing of agreement to a new committee of conference thereon, and have appointed as such committee Messrs. Booth, Tobey and Parmenter:

"An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York."

"An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor, and provide for the services rendered in laying out and opening streets, avenues, roads or public parks and places in the city of New York."

"An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also to amend an act to re-enact and amend the same, passed April 6, 1871; and also to extend the distribution of the Croton water through the city of New York, including the two new wards, and to lay the necessary mains and to deliver it at higher elevations."

The Senate returned the bill entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," with a message informing of concurrence in the passage of the same, with the following amendment:

Add at the end of section 3 the following: "The owners of property who are assessed for said improvement shall not be called upon to pay the amount of such assessment until after the expiration of five years from the completion of said work, but such owners as shall not elect to pay when the assessment is ready for collection, shall be charged and shall be required to pay the interest upon the amount of their respective assessments from the time the assessment is due or ready for collection until they shall pay the same."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schuyler
Barkley	Edson	Law	Scudder
Beach	Ely	Lawson	Seward
Benedict	Farrar	Lewis	Sherman
Bennett	Faulkner	Lincoln	Sherwood
Berry	Fish	Mackin	Shiel
Bishop	Friend	McGowan	Slingerland
Bowen	Gallagher	McGroarty	Smith
Braman	Green	Merwin	Stauf
Broas	Griffin	W. Miller	Stephens
Brown	Hammond	Muller	Struble
Calkins	Hauschel	Oakley	G. Taylor
T. C. Campbell	Hess	O'Keefe	Tewksbury
T. J. Campbell	Hogan	Peck	Vedder
Clark	Holmes	Pierson	Vosburgh
Cleary	Hussey	Pope	Wellington
Cole	Husted	Ransom	West
Comstock	Ives	Reilly	Whitmore
Costigan	W. Johnson	Roscoe	Witbeck
Daly	Kennaday	Russell	Worth
Davis	Kirk	Sanford	Wurts
Decker	Krack	Schenck	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act relative to the construction of a sewer in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out section 1, and insert the following:

"SECTION 1. The board of city works of the city of Brooklyn are hereby authorized to omit to construct sewers in any of the streets and avenues included in the district mentioned in section one of the act entitled 'An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn,' passed April 13, 1872 (which said district is in said act described as follows: That portion of the city of Brooklyn comprised in the drainage district known and distinguished as Map N, lying northerly of Prospect avenue and Hamilton avenue in said city), in which they shall by resolution decide and determine that it is inexpedient and improper so to do; and upon the completion of the sewers in the streets and avenues in said district other than those as to which the said board shall so decide, the improvement provided for in said act shall be deemed to have been completed."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Daggett	Keenan	Schieffelin
Barkley	Daly	Kirk	Schuyler
Beach	Davis	Krack	Seward
Benedict	Decker	Kshinka	Sherman
Bennett	Dessar	Lawrence	Shiel
Bishop	Edson	Lewis	Silverman
Bordwell	Farrar	Lincoln	Slingerland
Bradley	Faulkner	Mackin	Speaker
Braman	Fish	McGowan	Stauf
Brogan	Friend	McGroarty	Stephens
Brown	Gallagher	J. W. Miller	G. Taylor
Calkins	Gedney	Muller	Tewksbury
T. C. Campbell	Green	Oakley	Vedder
T. J. Campbell	Hammond	O'Keefe	Waehler
Clark	Hepburn	Peck	Wenzel
Cleary	Hinckley	Pierson	West
Coffey	Hogan	Pope	Whitmore
Cole	Houghton	Ransom	Willis
Comstock	Husted	Rich	Worth
Cooke	Ives	Roscoe	Wurts
Costigan	W. Johnson	Sanford	Yost

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May 22, 1875.* }

*To the Assembly:*

I return herewith, without my approval, Assembly bill No. 493, entitled "An act to authorize the taking of certain lands in the city of Buffalo for the purpose of the continuation of Fillmore avenue from its present southerly termination to the westerly side of the Hamburg turnpike, and for improving and embellishing the same."

This bill authorizes the city of Buffalo to open a certain avenue, one hundred feet wide, and to enlarge an existing street to the same width, and provides that the lands "so taken shall be one of the approaches or connections to said park, and may be controlled, improved and embellished in the same manner, in all respects, as land heretofore taken under the act of 1869."

Chapter 165 of the Laws of 1869, which is supposed to be the act referred to, provides that the expense of improving and embellishing the lands taken thereunder for a park, shall be met by the issue of bonds of the city of Buffalo.

The city now has ample power to open and improve streets, assessing the expense thereof upon the property benefited thereby.

The only object of this bill is, therefore, to place the control of the avenue to be opened in the hands of the park commissioners, and to cast the expense of improving and embellishing the same upon the city at large, instead of upon the property benefited.

I am unwilling to assent to any bill which, without urgent necessity, shall increase the present heavy indebtedness to the city of Buffalo, or shall add to the very heavy burdens which now rest upon its tax payers, especially where, as in this case, it is not asked for by the municipal authorities.

SAMUEL J. TILDEN.

On motion of Mr. Hanrahan, said message was laid on the table.

Mr. Hammond, from the committee of conference on the bill entitled "An act making certain appropriations for expenses of government," submitted the following report:

Your committee of conference, to which was referred the matters of difference between the two Houses upon the Assembly bill entitled "An act making certain appropriations for expenses of government, and for supplying deficiencies," beg leave to report that they have met and duly considered the same, and have agreed to recommend that the Assembly concur in the amendments as proposed by the Senate in relation to the sale of the real estate owned by the State in the town of Middletown, Richmond county, now occupied by the Seamen's Fund and Retreat, so amended as to read as follows:

"The Commissioners of the Land Office, upon the approval in writing of the Governor, shall cause to be laid out into lots of suitable size, and shall sell in accordance with the provisions of statute regulating the sale of State lands by them, the real estate owned by the State in the town of Middletown, Richmond county, now occupied by the board of trustees of the Seamen's Fund and Retreat, excepting that portion thereof now occupied by the Mariners' Family Association, and shall pay over to the Comptroller of the State the funds derived therefrom, who shall henceforth be the trustee of said funds; and after paying therefrom the mortgage now upon said property, shall invest the residue thereof and hold the same as a sacred trust fund, and one-tenth of the income therefrom he shall pay over annually to the institution known as the Mariner's Family Industrial Society of the port of New York, or the Mariner's Family Association for the support of the inmates of the asylum connected therewith, so long as the said society continues to fulfill the laws under which it was created.

"The residue of said income of said trust fund shall be by the Comptroller annually paid and applied to the support, care, and maintenance of seamen now in the hospital connected with said Seamen's Retreat, and of all who may hereafter be entitled to be cared for under the laws establishing and regulating said institution. The trustees of the Seamen's Fund and Retreat are hereby superseded by the Commissioners of Quarantine and the Health Officer of the port of New York, who shall, subject to the provisions of this act, possess all the powers, and be subject to all the duties of said trustees, and shall render to the Comptroller vouchers for all expenditures which shall be subject to the audit and approval of said Comptroller. The Health Officer shall, with the approval of the Governor, designate the hospital or place to which the present inmates of the Seamen's Retreat Hospital shall be removed, and where all those who may be hereafter entitled to be cared for under the provisions of this act shall be received and shall cause the present inmates of said Seamen's Retreat Hospital, and also all the personal property, goods and chattels connected therewith to be removed thereto as soon as practicable after the passage of this act."

That the Assembly concur in the amendments in relation to the new capitol appropriation proposed by the Senate, amended so as to read as follows :

"The sum of one million dollars is hereby appropriated to continue the work on the new capitol building, which shall be paid by the Treasurer, upon the warrant of the Comptroller, to such persons or commissioners as are authorized by law to receive and expend the same, and to be paid as the same shall be, from time to time, required for materials and labor used and employed, or that may be used and employed, in the building of said new capitol.

"The Superintendent of the New Capitol is hereby authorized and directed to audit or settle any outstanding obligations for rent, labor or materials done or furnished by order of the Board of New Capitol Commissioners, heretofore existing, subject to the concurrent approval, in writing, of the Commissioners of the New Capitol hereinafter named, and in such audit and settlement any claims, over-payments or equitable offsets the State may have to any such obligations, shall be deducted therefrom, and the amount allowed and approved by the Commissioners as aforesaid shall be paid by the Comptroller out of this appropriation, with such interest as shall be allowed and approved by said Commissioners aforesaid.

"The Board of New Capitol Commissioners, as heretofore constituted, is hereby abolished, and the powers and duties of said board are hereby devolved upon the Lieutenant-Governor, the Auditor of the Canal Department and Attorney-General of the State, who shall hereafter constitute the New Capitol Commission.

"Before any portion exceeding fifty thousand dollars of the sum by this act appropriated for the construction of said new capitol shall be expended, full detail plans and specifications of the story of said building containing the legislative halls thereof shall be made and approved, in writing, by the said Lieutenant-Governor, Auditor of the Canal Department and Attorney-General, and not more than one-half of the said appropriation shall be expended before full detailed plans and specifications of the whole of the remainder of said building shall be made and approved, in writing, by the said Lieutenant-Governor, Auditor of the Canal Department and Attorney-General; and, when so approved, they shall not be altered or departed from, except by the concurrent written consent and approval of said Lieutenant-Governor, the Auditor of the Canal Department and Attorney-General, which said consent and approval shall be indorsed upon a plan accompanied by specifications, which shall fully and distinctly state the extent of such alteration, and the manner and extent the expense of said building will be affected by such alteration.

"The furnishing of all the materials shall be by contract, or contracts; and the doing of all of the work shall be by contract, or contracts, except such portions thereof as, in the concurrent opinion of said commissioners, the interests of the State require to be done by day's work.

"All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the Superintendent in the State paper once in each week for four weeks consecutively, immediately preceding the letting of said contract, the notice of letting to be signed by the Superintendent, shall state the work to be let, the quality, quantity and kind of materials to be bid for, and the length of time which will be given for the completion of the work, or the delivery of materials,

the amount of security required, the bonds to be furnished for the faithful performance of the contract. The proposals received shall be exhibited to the said Lieutenant-Governor, the Auditor of the Canal Department and Attorney-General, together with the proposed contract, which, on their concurrent written approval indorsed thereon, shall be entered into on the part of the State by said Superintendent.

The said contracts shall each reserve the right to the said Superintendent, with the concurrence of the said Commissioners, to declare the same forfeited, whenever, in the judgment of said Superintendent and Commissioners, said contract is not being performed for the interest of the State. Whenever there is a deficiency in the treasury of moneys applicable to the payment of the appropriation for the new capitol, the Comptroller is hereby authorized and required to borrow from to time such sums as the said commissioners may require, and the money borrowed shall be refunded from the moneys received from taxes levied to meet this appropriation."

That the Assembly concur in the amendment of the Senate striking out a portion of the item in relation to the Elmira Reformatory, and inserting in place thereof the following: "The Governor may, in his discretion, remove the superintending builder of the Elmira Reformatory on the recommendation of the commissioners appointed under chapter 600 of the Laws of 1873, but nothing herein contained shall be construed to abridge the power of the Governor to remove said superintending builder, as now authorized by law."

Respectfully submitted,

D. P. WOOD,  
F. W. TOBEY,  
JOHN FOX,  
*Senate Committee.*

S. H. HAMMOND,  
F. W. VOSBURGH,  
L. C. WAEHNER,  
JACOB HESS,  
T. G. ALVORD,  
*Assembly Committee.*

Mr. T. C. Campbell moved to disagree with that portion of said report relative to the sale of the Seamens' Fund and Retreat, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. T. C. Campbell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the remaining portion of said report, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 100 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Edson.	Krack	Schenck
Barkley	Ely	Kshinka	Schieffelin
Beardsley	Farrar	Law	Schuyler
Benedict	Faulkner	Lawson	Scudder
Berry	Fay	Lewis	Seward
Bishop	Friend	Lillybridge	Shattuck



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Bordwell	Gallagher	Lincoln	Sherman
Bowen	Gedney	Mackin	Sherwood
Bradley	Green	McAfee	Shiel
Bruman	Griffin	McGroarty	Silverman
Broas	Hammond	Merwin	Smith
Brogan	Hanrahan	W. Miller	Stauf
Brown	Hauschel	Muller	Struble
Calkins	Hinckley	Oakley	G. Taylor
T. C. Campbell	Hogan	O'Keefe	W. F. Taylor
T. J. Campbell	Holmes	Page	Vosburgh
Clark	Houghton	Peck	Waehner
Cleary	Hussey	Petty	Wellington
Cole	Husted	Pierson	Wenzel
Comstock	Ives	Prince	West
Cooke	W. Johnson	Reilly	Whitmore
Costigan	W. A. Johnson	Rich	Willis
Daggett	Keenan	Roscoe	Witbeck
Decker	Kennaday	Russell	Worth
Dessar	Kirk	Sanford	Wurts

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon, except that portion relating to the sale of the Seamen's Fund and Retreat.

On motion of Mr. Shiel, and by unanimous consent, the bill entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon, in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Krack	Schuyler
Barrow	Edson	Kshinka	Seward
Beach	Ely	Law	Shattuck
Benedict	Faulkner	Lawson	Sherwood
Bennett	Fay	Lewis	Shiel
Bishop	Fish	Lincoln	Slingerland
Bowen	Friend	Mackin	Smith
Bradley	Gallagher	McGowan	Speaker
Broas	Green	McGroarty	Stauf
Brogan	Hammond	J. W. Miller	Struble
Burtis	Hauschel	Muller	G. Taylor
Calkins	Hepburn	Oakley	W. F. Taylor
T. C. Campbell	Hinckley	Page	Tewksbury
T. J. Campbell	Hogan	Petty	Vedder
Clark	Houghton	Pierson	Waehner
Cleary	Hussey	Prince	Wenzel
Cole	Husted	Ransom	Whitmore



Cooke	Ives	Rich	Witbeck
Costigan	W. A. Johnson	Russell	Worth
Daly	Kennaday	Schenck	Wurts
Davis	Kirk	Schieffelin	Yost

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Waehner, from the committee on the judiciary, submitted a report in relation to the Supply bill of last year.

On motion of Mr. Alvord, said report was laid on the table and ordered printed.

(See Doc. No. 165.)

Mr. Hammond, from the committee on ways and means, to which was referred the resolution relative to indexing papers on file, reported in favor of the passage of the same, in the words following:

*Resolved*, That the Clerk be directed to cause the files of the Assembly to be arranged in such manner that papers when wanted can be readily found; that papers relating to bills passed be separated and labeled; that all petitions and papers connected with bills which have been under consideration within the last two years, and have not been passed, be arranged alphabetically according to subjects, and that a catalogue of the same be printed and placed on the files of the next Legislature.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Schenck called from the table the resolution in the words following:

*Resolved*, That the Clerk furnish each member, officer and reporter fifteen diagrams of the Assembly chamber.

Mr. Schenck moved to amend by striking out the word "fifteen" and inserting in lieu thereof the word "five."

Mr. Waehner moved to refer said resolution to the committee on ways and means.

Mr. Hammond moved to amend so as to refer the same to the committee on expenditures of the House.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hammond, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Waehner, as amended, and it was determined in the affirmative.

*Ordered*, That said resolution be referred to the committee on expenditures of the House.

The Senate returned the bill entitled "An act to alter the commissioners' map of the city of Brooklyn, and closing a part of Bushwick avenue court yard," with a message informing of concurrence in the passage of the same, with the following amendments:

Add at the end of section 1 the following: "Provided, however, that the mayor and common council may at any time re-enter and re-open the same without expense to the city as compensation to the owner."

Insert as section 2 the following:

"§ 2. It shall be lawful for the owner or owners of the lands fronting upon Fourth place, in the city of Brooklyn, between Smith and Court streets, or of any part thereof, and their heirs and assigns, to sell, convey, build upon or otherwise improve and use the lands, or any part

thereof, heretofore reserved for court yards upon said Fourth place, between said Court and Smith streets, in said city.

"§ 3. All acts or parts of acts inconsistent with this act are hereby repealed."

Amend the title so as to read "An act to alter the commissioners' map of the city of Brooklyn, and for other purposes."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Decker	Lawrence	Scudder
Barrow	Edson	Lawson	Shattuck
Beach	Ely	Lewis	Sherwood
Benedict	Faulkner	Lincoln	Shiel
Bennett	Fish	McAfee	Silverman
Berry	Friend	McGowan	Slingerland
Bordwell	Gedney	McGroarty	Smith
Bradley	Green	J. W. Miller	Speaker
Braman	Hammond	Muller	Stephens
Brogan	Hanrahan	Oakley	G. Taylor
Brown	Hauschel	O'Keefe	Tewksbury
Calkins	Hess	Peck	Tremain
T. C. Campbell	Hinckley	Petty	Vosburgh
T. J. Campbell	Holmes	Pierson	Wellington
Clark	Hussey	Prince	Wenzel
Cleary	Husted	Ransom	Whitmore
Coffey	W. Johnson	Rich	Willis
Cole	W. A. Johnson	Roscoe	Witbeck
Cooke	Kirk	Sanford	Worth
Costigan	Krack	Schenck	Wurts
Daly	Kshinka	Schuyler	Yost
Davis			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act supplementary to an act entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' passed April 26, 1871," with a message informing of concurrence in the passage of the same, with the following amendments:

Section 1, Strike out "chapter 742 of the Laws of 1871," and insert the words "whenever in the judgment of the trustees of the New York fire department relief fund named for section 14 of the act." Lines 12, 13, 14 and 15, strike out the words "is hereby amended so as to read as follows: When in the judgment of said trustees." Line 18, strike

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out the word "hereby;" after the word "created" insert the words "by said act."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Dessar	Law	Seward
Barkley	Ely	Lawrence	Shattuck
Barrow	Faulkner	Lewis	Sherwood
Beach	Fish	Lillybridge	Silverman
Benedict	Friend	Mackin	Smith
Bennett	Gedney	McGowan	Speaker
Bishop	Green	McGroarty	Stauf
Bowen	Hammond	J. W. Miller	Struble
Braman	Hauschel	Muller	G. Taylor
Brogan	Hess	O'Keefe	Tewksbury
Burtis	Hinckley	Peck	Vedder
Calkins	Holmes	Pierson	Waehner
T. C. Campbell	Hussey	Pope	Wenzel
T. J. Campbell	Ives	Ransom	West
Clark	W. A. Johnson	Reilly	Willis
Cleary	Kennaday	Roscoe	Witbeck
Cole	Kirk	Sanford	Worth
Cooke	Krack	Schieffelin	Wurts
Daggett	Kshinka	Schuyler	Yost
Davis			

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate bill entitled "An act for the demolition of unsafe walls and buildings in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Costigan	Kennaday	Reilly
Barkley	Daly	Kirk	Rich
Beach	Decker	Krack	Schenck
Beardsley	Ely	Kshinka	Schieffelin
Benedict	Faulkner	Law	Scudder
Berry	Fish	Lawson	Shiel
Bordwell	Friend	Lillybridge	Smith
Bowen	Gedney	Lincoln	Speaker
Bradley	Green	McAfee	Stauf

Braman	Hammond	McGowan	Struble
Brogan	Hanrahan	Merwin	G. Taylor
Brown	Hepburn	J. W. Miller	Tremain
Burtis	Hess	Muller	Vosburgh
Calkins	Hogan	Oakley	Wellington
T. C. Campbell	Houghton	Page	West
T. J. Campbell	Hussey	Peck	Willis
Clark	Husted	Petty	Worth
Coffey	Ives	Pope	Wurts
Comstock	W. A. Johnson	Prince	Yost
Cooke			

Those who voted in the negative, were

Shattuck              Tewksbury

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. T. J. Campbell offered for the consideration of the House a resolution, in the words following:

Concurrent resolution proposing an amendment to section 2, article 3, of the Constitution:

*Resolved* (if the Senate concur), That section 2, article 3, of the Constitution be amended so as to read as follows:

§ 2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years. The Assembly shall consist of one hundred and twenty-nine members, one hundred and twenty-eight of whom shall be annually elected, and the other shall be Thomas G. Alvord of Onondaga county, who shall hold office for life, and shall be entitled to occupy the seat numbered sixty-six in the Assembly of 1875.

Said resolution being concurrent,

*Ordered*, That the same be laid on the table.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bill entitled "An act to amend the charter of the city of Brooklyn," in the words following:

That the Assembly concur in the Senate amendments to the first section, and that the following be substituted for the second section of said bill:

"§ 2. Section 12 of title 3 is hereby amended so as to read as follows:

"§ 12. The mayor shall, except as herein otherwise provided, nominate and, with the consent of the board of aldermen, appoint the heads of the several departments and the assessors as hereinafter mentioned. The mayor shall also have the power to suspend any officer appointed by him, and it shall be his duty to report the fact of such suspension, together with the reasons therefor, to the board of aldermen at the next meeting thereof. The board of aldermen may thereupon and for cause remove such suspended officer by a vote of two-thirds of all aldermen elected, provided that no such removal shall take place until the said party sought to be removed has had an opportunity to be heard in his defense. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the board of aldermen. If the final vote shall be against such removal, such suspension shall cease and determine. All officers, heads of departments, and commissioners now

authorized by law to be appointed by the mayor and with the consent of the board of aldermen, except the members of the board of education, shall be appointed in the following manner: If within thirty days after the expiration of the term or terms of office of any such officers, heads of departments or commissioners, or after the date at which any of such officers, heads of departments or commissioners are to be by law appointed, or after the occurrence of a vacancy by reason of death, resignation or otherwise in any of the positions aforesaid, the said mayor and board of aldermen shall fail to agree upon the appointment or appointments to be made, then and in that case, at the expiration of said thirty days, the mayor, comptroller, and auditor of said city, or a majority of them, shall meet and proceed to nominate and, with the consent of the board of aldermen, appoint such officers, heads of departments or commissioners in the manner now provided for their appointment by said mayor. If within thirty days from and after the expiration of the time at which said mayor's power to make such appointment shall have ceased, the said mayor, comptroller and auditor, or a majority of them, and the board of aldermen shall fail to agree upon such appointment or appointments, then and in that case the mayor, comptroller and auditor, or a majority of them, shall make other and different nominations and shall continue at the expiration of each thirty days to make other and different nominations to the board of aldermen until an agreement is effected, and such persons so appointed shall otherwise hold office and qualify as now provided by law.

"§ 3. Title 3 of said act is hereby amended by adding thereto the following additional section:

"§ . Persons now holding or who may hereafter hold office or commission in the National Guard, shall not by reason of holding such office or commission be prohibited from holding any other office by any of the provisions of this title.

"§ 4. Section 1 of title 5 of said act is hereby amended so as to read as follows:

"§ 1. There shall be an auditor who shall be elected at the general election to be held in the year 1874, and every two years thereafter, whose term of office shall commence on the first day of January next succeeding his election, and he shall be the head of the auditing department, and shall receive an annual salary of seven thousand dollars. It shall be his duty to examine all bills presented against the city for payment. No claim against the city, including claims for local improvements, shall be paid unless he shall certify that the services have been rendered or material furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract.

"§ 5. Section 1 of title 10 of said act is hereby amended so as to read as follows:

"§ 1. There shall be a department of assessment, to consist of a president and ten assessors, who shall constitute the board of assessors of the city of Brooklyn. They shall have power to appoint such clerks and subordinates as may be necessary, provided that the salaries of such clerks and subordinates shall not exceed, in the aggregate, the amount annually raised by the proper officers for such purpose. Within ten days after the passage of this act there shall be appointed, in the manner herein provided by law, a proper person to be an assessor, who, together with the assessors now in office, shall constitute the board of assessors of the city of Brooklyn.

“ § 6. Title 14 of said act is hereby amended by adding thereto the following sections:

“ § 8. Whenever all or either of the streets hereinafter mentioned, that is to say: Flatbush avenue, from Atlantic avenue to Prospect park, Schermerhorn street and Union street, shall, in the opinion of the board of city works, need to be repaved or repaired, in whole or in part, the said board shall cause plans and specifications for doing said work to be prepared, and submit the same, together with an estimate of the cost thereof, to the common council of the city of Brooklyn, and the said common council is hereby authorized, upon the approval by them of the said plans and estimates, to order said work to be done by said board in the same manner as other repairs, at a cost not to exceed the estimate made therefor.

“ § 9. To meet the cost of any repaving or repairing, of the streets aforesaid, or any portion thereof, the comptroller of the city of Brooklyn shall, from time to time, as required, issue and sell as provided by law, certificates of indebtedness (signed by the financial officers of said city) bearing interest at the rate of seven per cent per annum, and the amount of said certificates and interest thereon shall be placed in the next annual tax levy thereafter, for the purpose of redeeming said certificates on the maturity thereof.

“ § 10. The board of city works shall have exclusive control over all repairs of streets, and for that purpose are hereby authorized and directed to have the work of said repairs done with or without advertisement therefor, in such manner as they may deem for the best interests of the city; provided, however, that the cost of such repairs shall not exceed the amount appropriated therefor by the proper authorities; and all provisions of law conflicting with this section are hereby repealed.

“ § 11. It shall be lawful for the board of city works annually, or at shorter periods, to advertise for proposals for the furnishing to the city of Brooklyn of all lamp posts, lanterns, connection pipes and other appliances for lighting streets and avenues in the city of Brooklyn, which, from time to time, shall be required for the purpose of any local improvement, during a period to be specified in the said advertisement, and which shall not extend beyond the first day of January next after the commencement of such advertisement, and thereupon to award contracts to the lowest bidder. The said lamp-posts, lanterns and connection pipes not to be combined in one advertisement or contract, but to be advertised and contracted for separately, each subject by itself. Every such contract shall provide for the delivery of the lamp-posts or other articles enumerated or so contracted for, in such quantities and at such times as the same shall be called for by the board of city works during the said period, for the purpose of any local improvements in their charge, and the same, as called for, shall be paid for out of the proceeds of bonds applicable to such local improvements, and the cost thereof shall be included in the assessment for the local improvement in which the same shall be used.

“ § 7. Title 13 of said act is amended by adding the following additional section:

“ § 6. The proper officers of the city of Brooklyn are hereby directed to issue certificates of indebtedness, not to exceed the sum of twenty-five thousand dollars, for the improvement of so much of the east-side lands as have been or shall be reserved for city purposes along the line



of Flatbush avenue, and the park commissioners are hereby directed to make said improvement in such manner as, in their judgment, the interests of said property may require, and the proper authorities are hereby directed to pay the same on requisition of said board of park commissioners, said certificates to be paid and canceled out of the sale of the east-side lands.

“§ 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

“§ 9. This act shall take effect twenty days after the passage thereof.”

JOHN C. JACOBS,  
F. W. TOBEY,  
*Senate Committee.*

JOHN MCGROARTY,  
JOHN R. KENNADAY,  
J. M. OAKLEY,  
DANIEL BRADLEY,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 2 }

Those who voted in the affirmative, were

Alvord	Decker	Kshinka	Schieffelin
Barrow	Edson	Lawrence	Scudder
Beach	Ely	Lawson	Shattuck
Beardsley	Farrar	Lincoln	Sherman
Bennett	Fay	Mackin	Shiel
Berry	Fish	McGowan	Silverman
Bordwell	Friend	McGroarty	Smith
Bradley	Gallagher	Merwin	Speaker
Broas	Green	J. W. Miller	Stauf
Brogan	Hanrahan	Oakley	Stephens
Brown	Hepburn	O'Keefe	Struble
Calkins	Hess	Page	G. Taylor
T. C. Campbell	Hogan	Peck	Tewksbury
T. J. Campbell	Holmes	Pierson	Vedder
Clark	Houghton	Pope	Vosburgh
Coffey	Hussey	Ransom	Waehner
Cole	Ives	Reilly	Wenzel
Cooke	W. Johnson	Roscoe	Witbeck
Costigan	Kennaday	Russell	Wurts
Daggett	Kirk	Schenck	Yost
Daly	Krack		

Those who voted in the negative, were

Burtis                      Hammond

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Husted moved to lay all orders of business on the table down to third reading of bills, for the purpose of having read the act to amend the Military Code.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

{ AYES 40 }  
{ NOES 54 }

Those who voted in the affirmative, were

Alvord	Dessar	Kshinka	Schieffelin
Beardsley	Fay	Lawson	Seward
Bennett	Friend	Lincoln	Shiel
Bishop	Gallagher	McAfee	Smith
Braman	Gedney	McGroarty	Speaker
Broas	Hammond	W. Miller	Stauf
T. C. Campbell	Hanrahan	Muller	Stephens
Cleary	Hauschel	Page	G. Taylor
Cole	Hess	Petty	Tremain
Costigan	Husted	Prince	Vosburgh

Those who voted in the negative, were

Barkley	Davis	W. A. Johnson	Schenck
Beach	Decker	Kirk	Schuyler
Benedict	Edson	Krack	Scudder
Berry	Ely	Law	Shattuck
Bordwell	Farrar	Lewis	Sherman
Bowen	Fish	Lillybridge	Sherwood
Brogan	Green	Merwin	Tewksbury
Brown	Griffin	Peck	Wellington
Calkins	Hepburn	Pierson	Wenzel
T. J. Campbell	Hinckley	Pope	West
Clark	Hogan	Roscoe	Whitmore
Comstock	Holmes	Russell	Wurts
Cooke	Ives	Sanford	Yost
Daly	W. Johnson		

A message from the Senate was received and read, in the words following:

*Whereas*, The Governor, in his special message of May 11, 1875, called the attention of the Legislature to the evils arising from our present unstable municipal systems and the necessity of adopting a permanent and uniform plan for the government of the cities of the State; therefore,

*Resolved* (if the Assembly concur), That the Governor be and hereby is authorized to appoint a commission of not more than twelve persons, whose duty it shall be to consider the subject referred to in the said message, to devise a plan for the government of cities, and to report the same to the next Legislature.

*Resolved*, That the committee on ways and means report a suitable appropriation for defraying the actual expenses of the commission, to be audited by the Comptroller, provided that the commission shall receive no compensation for their services.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following:

*Resolved* (if the Assembly concur), That the hour of final adjournment be extended for one-half hour.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The Senate returned the bill entitled "An act making appropriation for expenses of government," with a message informing of agreement to the report of the committee of conference thereon, so far as agreed to by the Assembly, and recedes from the amendment in which the Assembly have refused to concur.

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bills entitled as follows:

"An act to regulate investments by insurance companies."

"An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York or Raritan bay, within the jurisdiction of the State of New York."

*Ordered*, That the Clerk return said bills to the Senate.

On motion of Mr. Waehner, at 11 o'clock and 30 minutes, the House took a recess until 12 M.

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## TWELVE O'CLOCK.

The House again met.

Mr. Hammond offered for the consideration of the House a resolution in the words following:

*Resolved*, That a committee of two be appointed to wait upon his Excellency the Governor, and inform him that the Assembly has completed its business, and is ready to adjourn *sine die*.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Messrs. Hammond and Alvord were appointed as such committee.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference, in the words following:

The committee of conference appointed by the Senate and Assembly, to which was referred the matters in difference between the two Houses relative to the Assembly bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" having met and duly considered the same, have agreed to recommend as follows:

That the Assembly concur in the amendments made by the Senate to section 1.

That the Senate recede from its amendments to section 2, and recommend as follows:

"§ 2. Section 93 of said chapter is hereby amended so as to read as follows: ●

“§ 98. Within two years:

“1. In an action for libel, slander, assault and battery or false imprisonment.

“2. An action upon a statute for a forfeiture or penalty to the people of this State.

“3. Every action instituted to recover damages for a personal injury or for any loss of service occasioned thereby.”

That the Assembly concur in the amendment made by the Senate in striking out section 3.

That the Assembly concur in the amendments made by the Senate to section 4.

That the Assembly concur in the amendments made by the Senate in striking out sections 7 and 8 and 9.

That the Senate recede from its amendments to section 10.

That the Assembly concur with the Senate in striking out section 11.

That the Assembly concur in the Senate amendments to section 12.

That the Assembly concur in the Senate amendments to section 13.

That the Assembly concur in the Senate amendment in striking out section 15.

That the Assembly concur with the Senate in inserting what will be section 11 when the numbers are changed.

Further recommend that the section numbers be changed to correspond with the rest of the bill.

CHARLES KELLOGG,  
A. P. LANING,  
F. W. TOBEY,  
*Senate Committee.*

SAMUEL T. BENEDICT,  
HANFORD STRUBLE,  
T. COOPER CAMPBELL,  
L. C. WAEHNER,  
JAMES W. HUSTED,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 6 }

Those who voted in the affirmative, were

Alvord	Costigan	Husted	Roscoe
Barkley	Daggett	W. A. Johnson	Schenck
Beardsley	Davis	Keenan	Schuyler
Benedict	Decker	Kshinka	Scudder
Bennett	Dessar	Law	Seward
Berry	Edson	Lewis	Sherman
Bishop	Ely	Lincoln	Silverman
Bordwell	Faulkner	Mackin	Smith
Bradley	Fish	McAfee	Speaker
Braman	Friend	McGowan	Stauf
Broas	Gallagher	McGroarty	Stephens
Brogan	Gedney	Merwin	G. Taylor
Burtis	Green	J. W. Miller	Tremain
Calkins	Hammond	W. Miller	Vosburgh
T. C. Campbell	Hanrahan	Oakley	Wenzel

**MAY 22.]**

**1877**

T. J. Campbell	Hepburn	Page	West
Clark	Hess	Peck	Whitmore
Cleary	Hogan	Pope	Witbeck
Cole	Holmes	Reilly	Worth
Comstock	Hussey	Rich	Wurts
Cooke			

Those who voted in the negative, were

Farrar	Schieffelin	Vedder	Yost
Sanford	Tewksbury		

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

Mr. Shattuck offered for the consideration of the House a resolution, in the words following:

*Resolved*, That a committee of two be appointed to wait upon the honorable the Senate and inform that body that the Assembly has completed its business, and is ready to adjourn *sine die*.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Shattuck and Husted as such committee.

A message from the Senate was received and read, informing of agreement to the report of the conference committee on the bill entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871, and also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations," amended so as to read as follows:

SECTION 1. The powers conferred upon the commissioner of public works of the city of New York by an act entitled "An act to provide a further supply of pure and wholesome water for the city of New York," passed February 27, 1871, and an act to re-enact and amend the same, passed April 6, 1871, shall hereafter be possessed and exercised only with the concurrence of the common council, approved by the mayor of said city; but when such concurrence shall be given, the said commissioner of public works shall perform and execute all the duties and functions imposed upon him by the provisions of said acts.

§ 2. The commissioners of public works of the city of New York, when thereunto authorized by a three-fourths vote of all the members elected to the common council of said city, and to be approved by the mayor of said city, is hereby authorized to expend for materials and labor and other services, in such manner as the said commissioner shall deem for the best interests of said city, in laying pipes to extend and enlarge the distribution of Croton water through the city of New York, including the two new wards, and to furnish a sufficient supply thereof to the institutions in charge of the Department of Public Charities and Corrections located on Blackwell's Island, Ward's Island and Randall's Island, and in laying mains necessary to deliver said water at higher levels and in greater quantities, an additional sum not exceeding one million five hundred thousand dollars.

§ 3. It shall be the duty of the comptroller of the city of New York, and he is hereby authorized and directed, to borrow upon bonds or stocks of the mayor, aldermen and commonalty of the city of New York such amounts as the commissioner of public works shall, from time to time, deem necessary to execute the works aforesaid, not, however, exceeding in the whole, the additional sum mentioned in the second section of this act; but no more than the sum of two hundred thousand dollars shall be expended in any one year; and the mayor and comptroller of said city are hereby authorized and directed to sign such bonds. Such bonds shall be entitled "Croton water main stock of the city of New York," and shall bear interest at a rate not exceeding seven per cent per annum, and shall be redeemable in not less than ten nor more than fifty years from the date of their issue, as the said comptroller shall determine to be for the best interest of said city. Such bonds shall not be disposed of for less than the par value thereof, and it shall be the duty of the clerk of the common council of said city to countersign the same and affix the seal of said city thereto. And the board of supervisors of the county of New York is hereby authorized and directed to cause to be raised, from time to time, by tax upon the estates, real and personal, subject to taxation in the city and county of New York, the sum of money which may be required to pay the interest on said bonds and to redeem them at maturity.

§ 4. The moneys to be raised by virtue of this act shall be applied and executed for the purposes authorized by this act, and for no other purpose whatever.

§ 5. The faith of the city and county of New York and the revenues thereof are hereby pledged for the payment of the interest of said bonds or stocks, and the redemption of the principal of said debt hereby created, and the bonds authorized to be issued under this act.

§ 6. This act shall take effect immediately.

W. WAGNER,  
R. A. PARMENTER,  
*Senate Committee,*

JAMES DALY,  
T. J. CAMPBELL,  
JACOB HESS,  
JACOB WORTH,  
JOHN T. MCGOWAN,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

Alvord	Ely	Law	Schuyler
Barkley	Farrar	Lawrence	Scudder
Beach	Faulkner	Lawson	Seward
Benedict	Fish	Lillybridge	Sherwood
Bennett	Friend	Lincoln	Shiel
Berry	Gallagher	Mackin	Silverman
Bordwell	Gedney	McGowan	Smith
Bradley	Hammond	McGroarty	Speaker

Braman	Hanrahan	J. W. Miller	Stauf
Brogan	Hauschel	W. Miller	Stephens
Brown	Hepburn	Oakley	Struble
Calkins	Hess	O'Keefe	G. Taylor
T. C. Campbell	Hinckley	Peck	W. F. Taylor
T. J. Campbell	Hogan	Petty	Tewksbury
Clark	Holmes	Pierson	Vedder
Oleary	Husted	Pope	Vosburgh
Cole	Ives	Prince	Wellington
Comstock	W. A. Johnson	Ransom	Wenzel
Cooke	Keenan	Reilly	West
Costigan	Kennaday	Roscoe	Whitmore
Daly	Kirk	Russell	Witbeck
Decker	Krack	Schenck	Wurts
Dessar	Kshinka	Schieffelin	Yost
Edson			

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of agreement to the report of the committee of conference thereon.

The Senate returned the bill entitled "An act to give validity to the act of the president of the board of trustees, of 1874, of the village of Nelsonville, in the county of Putnam, in administering the oath of office to the trustees elected at the last annual election, and to confirm the official acts and proceedings of officers of preceding boards," with a message informing of concurrence in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert the following:

"SECTION 1. All of the official acts of the persons heretofore elected or appointed to office in the village of Nelsonville, in the county of Putnam, who shall have taken the oath of office prescribed by law before any officer not authorized to administer such oath, shall be deemed as valid and effectual in all respects as if such oath of office had been taken before an officer authorized to administer the same.

"§ 2. The persons elected to office at the last annual election of officers in said village, are hereby authorized to take the oath of office before any justice of the peace of said county of Putnam, at any time within ten days after this act shall have become a law, with like effect as if such oath of office had been taken before an officer authorized to take the same, within the time limited by law for taking the same.

"§ 3. This act shall take effect immediately."

By unanimous consent, said bill was laid on the table.

Pursuant to a resolution of the Assembly, the Senate returned the bill entitled "An act to amend chapter 487 of the Laws of 1862, entitled 'An act defining and regulating the power and duties and compensation of the captain of the port and harbor-masters of the port of New York,'" for amendment.

On motion of Mr. Prince, said bill was laid on the table.

A message from the Senate was received and read, informing of agreement to the report of the committee of conference on the bills entitled as follows:

"An act in relation to taxation and appropriations in the city of New York, and to provide for the payment of a part of the cost of the



Fourth avenue improvement from revenue bonds to be paid from taxation in 1876, instead of 1875, and to reduce the tax of 1875 accordingly."

"An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also to amend an act to re-enact and amend the same, passed April 6, 1871, and also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevations."

*Ordered,* That the Clerk return said bills to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 585 of the Laws of 1874, entitled 'An act to incorporate the Brooklyn Elevated Silent Safety Railway, for the purposes of providing rapid transit through the city of Brooklyn, Kings county, to Woodhaven, in the town of Jamaica, in the county of Queens, and the State of New York, and to provide for constructing and operating a railway therefor,' passed May 26, 1874."

"An act to amend chapter 521 of the Laws of 1857, entitled 'An act in relation to sewerage and drainage in the city of Brooklyn.'"

"An act to amend the charter of the American Institute of the city of New York."

"An act to amend an act entitled 'An act to widen and improve Ninth avenue and Fifteenth street in the city of Brooklyn.'"

"An act to provide for the opening and improving of Lewis avenue, and for extending, opening and improving of Downing street, in the city of Brooklyn."

"An act to provide for the apportionment of rents, annuities, dividends and other payments."

"An act to incorporate the Great Council of the Improved Order of Red Men of the State of New York."

"An act to amend section 6 of title 4 of chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages.'"

"An act to alter and define the boundaries of the first and second commissioner districts of Monroe county."

"An act in relation to the powers and duties of the department of public parks in the city of New York."

"An act to incorporate the New York Cheap Transportation Association."

"An act to provide for the recording of certain decrees in partition suits in the clerks' offices of certain counties of this State, and for the alphabetical indexing of the names of the grantors and grantees of deeds, mortgages and other instruments recorded and to be recorded in said clerks' offices."

"An act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building and a lock-up thereon, and furnish the same."

"An act to amend chapter 455 of the Laws of 1847, entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845."

"An act to regulate coroners' inquests in the city and county of New



York, and to provide for the payment of services rendered by scientific persons as experts."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bills entitled as follows:

"An act for the preservation of fish in the Niagara river."

"An act in relation to the care, custody and management of the water-works of the city of Rochester, and to regulate the collection of water rents in said city."

"An act to amend chapter 556 of the Laws of 1874, entitled 'An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek.'"

"An act further to amend section 28 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'"

"An act to provide for a uniform system for the repavement of streets, avenues and public places in the city of New York."

"An act supplementary to the act entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' passed April 26, 1871."

"An act to increase the powers of the common council of the city of Brooklyn."

"An act authorizing the payment of William A. Dunn, for services as doorkeeper of the Assembly, and of Robert McIntyre, for services as post-office messenger of the Senate."

"An act to confirm and legalize certain acts of the common council of the city of Elmira."

"An act to alter the commissioners' map of the city of Brooklyn, and for other purposes."

"An act for the improvement of Myrtle avenue, in the city of Brooklyn."

"An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court."

"An act to amend chapter 122 of the Laws of 1851, entitled 'An act for the incorporation of building, mutual, loan and accumulating fund associations.'"

"An act to amend chapter 466 of the Laws of 1853, entitled 'An act to provide for the incorporation of fire insurance companies.'"

"An act to amend section 67 of article 2, chapter 1, part 2, title 2 of the Revised Statutes in relation to trusts."

"An act to define the powers and privileges of railroad corporations, and to repeal sections 3 and 4 of chapter 278 of the Laws of 1868, entitled 'An act in relation to the Erie, New York Central, Hudson River and Harlem Railroad Companies.'"

"An act in relation to courts of record of the city and county of New York."

"An act to provide for the improvement of portions of Commercial street, Union place and Prospect place, in the city of Brooklyn."

"An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district."

"An act to confirm the proceedings of supervisors and justices of the peace of the several towns in the county of Kings, relating to town sealers."

"An act relating to the powers and duties of the board of commissioners of charities in the county of Kings."

"An act in relation to railroad commissioners in the several counties of the State."

"An act to amend the charter of the city of Brooklyn."

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to provide for the organization and regulation of certain business corporations."

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

"An act further to provide for the construction and operation of a steam railway or railways in counties of the State."

*Ordered*, That the Clerk deliver said bills to the Governor

A message from the Senate was received and read, informing of non-concurrence in the passage of the bills entitled as follows:

"An act authorizing the common council of the city of New York to reopen a part of Bloomingdale road or Broadway in the city of New York."

"An act to prevent the commission of frauds in the purchase and sale of real estate."

"An act to amend chapter 496 of the Laws of 1859, entitled 'An act in relation to the compensation of justices of sessions.'"

"An act regulating the erection and maintenance of fire escapes upon certain buildings, and for the better security of life in case of fire."

"An act to authorize the board of commissioners of emigration to mortgage the lands of the State on Ward's Island, and to extinguish the liabilities against the said board."

"An act to amend chapter 253 of the Laws of 1869, entitled 'An act to amend an act to incorporate the New York and Brooklyn Iron Tubular Tunnel Company.'"

"An act to appoint commissioners to authorize the erection of a city hall in and for Long Island City, and to provide for the expense of the same."

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon, in the county of Westchester."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Speaker announced the following special committees:

On resolution relative to quarantine: Messrs. Schuyler, Waehner, Vosburgh, Alvord and Gedney.

On resolution relative to criminal law: Messrs. T. C. Campbell, Deszar, McGowan, Husted and Hess.

Messrs. Hammond and Alvord, the committee appointed on the part of the Assembly to wait upon his Excellency the Governor and inform him that the Assembly had completed its labors and was ready to adjourn *sine die*, reported that they had performed that duty.

Mr. Shattuck, from the committee appointed to wait on the Senate

and inform that body that the Assembly had completed its labors and was ready to adjourn *sine die*, reported that the committee had discharged its duty.

Messrs. Kellogg and Moore, a committee on the part of the Senate, appeared in the House and reported that the Senate had finished its business, and was ready to adjourn *sine die*.

Mr. Speaker then addressed the House as follows:

*Gentlemen of the Assembly* — The time approaches which will terminate our labors as members of this House. Our record as legislators will soon close, whether for good or evil time must determine. As we take a retrospect of our action during the session about closing, there can be but little found in the character of the legislation adopted but what will bear the sharpest criticism, and meet the approval of the people of the State.

In the main, your legislation has been practical and conducive to the public good. There has been a marked absence of jobbery, corrupt and personal schemes, as compared with some former assemblages of this body. There has been a commendable effort on your part to ensure economy and its practice in the various departments of government; to stop prodigal and extravagant appropriations, and to relieve the people as much as possible from oppressive and overburdened taxation. Many of your enactments are experiments, which, it is to be hoped, will fully meet the popular expectation. You have given the forwarding interests and the boatmen the almost free use of your canals; you have limited appropriations to a nominal sum for extraordinary work; you have made provision for the abandonment of the lateral canals, which have been such a prolific source of expenditure and taxation; you have conferred large legislative power on boards of supervisors of the respective counties; you have secured to the laboring and industrial classes what is believed to be a safe depository of their earnings; to the city of New York rapid transit, and many other measures of a general public and important character have met your approval and sanction. Earnestly do I pray that all of your official acts may redound to the interest of the State and the welfare of the people. Many things during our session have occurred tending to great embarrassment and deep feeling, the latter evidencing the sincerity of conviction. Measures of extraordinary import and of the utmost consequence to us as a people — measures which should have received the most careful and deliberate consideration on our part — have been presented to us for immediate sanction.

Friendly consultation and amicable discussion among ourselves prior to the introduction of such grave and momentous legislation might and would in all probability have produced a common understanding and united action among and by the majority of this body, and avoided much unpleasantness and seeming animosity.

In the heat and excitement of the discussion of these measures it is but natural that the depth of feeling and conviction should find expression in strong and, at times, in personal language and allusion. But if, in the warmth of debate, or in the discharge of the perplexing duties of the Chair, I have given utterance to an unkind or personal remark toward any of your number, I assure you it proceeded from no settled enmity or intentional disrespect; on the contrary, for each and all of you I have nothing but the kindest feelings. When I leave here all remembrances of anything tending to mar the harmony of our deliberations or personal

relations will be left behind, and if it shall be our pleasure to meet hereafter, I can greet you and grasp your hand with heartfelt sincerity, remembering only the many pleasant associations of our session, your forbearance and the uniform kindness and courtesy you have exhibited to me as your presiding officer. As was to be expected, your action and the personnel of many of you have been subjected to the sharpest and severest criticism, some of it just, but much more of it unjust and undeserved. It is the duty of the press to closely watch and honestly comment upon the action of public bodies and the conduct of public men in the discharge of official duties. The good of society, the interests of good government and the welfare of the people demand it. But this duty and the freedom to criticise should never sink into licentiousness — a right to stigmatize, malign and libel should never be conceded or tolerated.

An unbridled, unrestrained, libelous, irresponsible and licentious press is more dangerous to a free government than its surveillance. Instead of being what it should be, a vehicle of truth and information to the people, it is a mere conduit for the most vicious, malicious vituperations and corrupting ribaldry that perversion can suggest or malice invent. What should be good, healthy and invigorating to the body politic becomes the seeds of disease, anarchy and decay. As I have said, some of the criticisms of the press upon us have been merited; that the majority of this House have not shown unity, harmony and sense of responsibility is too lamentably true. But who is to blame? I can speak for myself and others of the majority who have taken active and leading parts in the business of this House, that we had no knowledge or even intimation that there was even in contemplation and intention to introduce into this body those measures which provoked such an animated and acrimonious discussion.

When the Speaker of the House and leading members of the majority were not apprised of the intention to introduce and press to their passage such grave enactments, it is not surprising that collisions and disagreement should ensue. But the criticism that inharmonious action was the result of a desire to protect fraud, to excuse delinquent officials, or defend corruption of any sort, is as false as it is wicked and malicious.

So arraigning members who could not conscientiously sustain certain measures, and charging their opposition to bribery or corrupt appliances, is wholly unjustifiable and a licentiousness and irresponsibility of the press which should meet with popular condemnation.

The public should understand, for such is the fact, that charges of corruption are often made in order to coerce members into the support of some personal scheme in which some connected with and having control of the columns of a newspaper are deeply interested. It is but justice to members of this House that I should say this much, to let the people know that under the charges of legislative corruption are often, and too often, concealed some questionable project or a gratification of the malice of the writer or some sensational rhodomontade of a reporter.

Gentlemen, we are about to separate, and many of us forever. It is to me grateful and pleasing to realize that I have experienced nothing from you but courtesy and kindness, and that whatever faults I may have exhibited, that I have maintained your respect and confidence as your presiding officer. The many associations and pleasant personal relations I have formed during the session now about closing, will be one of the most agreeable retrospects of after years, and will remain perpet-

ually green in my memory. I can truly exclaim with Hamlet, never can I forget our mutual kind relations, the agreeable associations formed, your confidence, respect and esteem, "while memory holds a seat in this distracted globe."

Gentlemen, one and all of you depart from this chamber with my best wishes. bidding you God-speed in all your after life, a safe journey to your respective homes and future health and prosperity. If it should be our fortune and pleasure to meet again this side of the grave, in social, private or public relations of life, it is the earnest wish of him who now addresses you that we should meet forgetting the sting or twinge of momentary feeling engendered by excitement, and remembering only all that was pleasant, social and agreeable in the performance of our duties or our personal relations.

Gentlemen, I bid you all a kind, friendly farewell, and now adjourn the Assembly of the State of New York *sine die*.

HIRAM CALKINS, *Clerk*.



# APPENDIX.

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## STATEMENT OF QUESTIONS OF ORDER AND THE RULINGS AND DECISIONS OF THE SPEAKER THEREON DURING THE SESSION OF 1875, INSERTED PURSUANT TO RULE 71.

A resolution being offered to adjourn from Friday until Tuesday, ruled that said resolution was not in order, for the reason that under the Constitution the House could not adjourn from Friday until Tuesday, it being over two days. (See Assembly Journal Friday, January 22, pages 123, 124.)

When the House has made a special order and directed a special session for its consideration, the House at that time must proceed to the consideration of such special order, although previously acting under the operation of the ninth joint rule. (See Assembly Journal, evening, February 17, page 301.)

When the house is under the operation of the previous question, no motion can be made to recommit. (See Assembly Journal of February 18, page 308.)

When the House has ordered a special session to be held at a stated time, for a specific purpose, the House, by unanimous consent, can proceed to the consideration of other business. (See Journal of Thursday, March 4, 1875, page 410.)

When a person is arraigned before the bar of the House for contempt, it is not proper either for himself or counsel to reflect upon any member of the House, but must confine their remarks strictly to matters showing excuse or extenuation for contempt. (See Assembly Journal, March 10, pages 445, 446.)

When a bill has passed the House and gone out of its control, a motion to reconsider is not in order. (See Assembly Journal May 5, page 1306.)

When a bill has been considered in committee of the whole, and recommitted with instructions to amend and report forthwith, it is in order, when the question before the House is on agreeing with report of the committee to progress the bill and ask leave to sit again, to move to discharge the committee of the whole from further consideration and order the bill to a third reading. (See Assembly Journal, May 5, page 1331.)

When a bill creating a corporation, other than a municipal, is lost on its third or final reading, a motion to reconsider is not in order except after the suspension of the forty-fourth rule. (See Assembly Journal, May 13, page 1556.)



## ERRATA.

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- Page 405, line 35, for "W. F. Taylor, read "G. Taylor."  
Page 424, line 36, for "Mat. McGowan," read "Jno. T. McGowan."  
Page 602, line 12, for "Jacob Gross," read "Jacob. A. Gross."  
Page 649, line 11, for "passengers," read "parsonages."  
Page 697, line 27, for "Post," read "Port."  
Page 786, line 19, for "election," read "erection."  
Page 786, line 34, for "Strarstny," read "Stiastny."  
Page 823, line 26, for "streets," read "sheds."  
Page 953, line 9, for "affirmative," read "negative."  
Page 974, line 9, for "Brown," read "Bowers."  
Page 979. line 1, for "Kirk," read "Rich."  
Page 1175, for "W. R. Robertson," read "Wm. H. Robertson."  
Page 1225, line 5, for "Balwin," read "Norwood."

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